ACCOUNTS AND PAPERS:

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—(46.)—

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HOLSTEIN, &c.; IONIAN ISLANDS; ITALY; JAPAN; MADAGASCAR.

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CORRESPONDENCE

RESPECTING THE

AFFAIRS

OF

THE DUCHIES

OF

HOLSTEIN, LAUENBURG,

AND

SCHLESWIG.

Presented to both Houses of Parliament by Command of Her Majesty.
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Correspondence respecting the Affairs of the Duchies of Holstein, Lauenburg, and Schleswig.

No. 1.

Sir A. Malet to Lord J. Russell.—(*Received March* 21.)

(Extract.) *Frankfort, March* 18, 1861.

THE inclosed communication to the Diet, made by the Danish Envoy, in the sitting of Saturday, the 16th instant, has been handed to me, and I lose no time in transmitting the document to your Lordship.

Your Lordship will remark, that no direct proposition is made to the Diet on the part of the Danish Government, but merely a statement laid before the Assembly of the manner in which the Copenhagen Cabinet is proceeding with the States of Holstein. The object sought is, no doubt, to delay the action of the Diet in the menaced Execution, while there is a prospect of the Danish Government coming to a direct understanding with the States of Holstein.

I regret to have to inform your Lordship that the opinion entertained here is, in this respect, unfavourable, but I have as yet been unable to ascertain, positively, whether the Diet will take delay into consideration. Indeed, the form of the Memorandum, inasmuch as it contains no demand of the sort, has created some embarrassment, in throwing all the responsibility on the Diet; and as M. d'Usedom has been called to Berlin, no decision will be taken on the matter till after his return.

Inclosure in No. 1.

Communication addressed to the Diet by the Danish Envoy, in the Session of the 16*th March.*

(Translation.)

The Constitution Question of Holstein and Lauenburg.

In the 10th Session of the Diet of 1861.

DENMARK, on account of Holstein and Lauenburg.—The Envoy has been directed by his Government to make the following communication to the High Federal Assembly.

It is known to the High Assembly that His Majesty the King had already before this, made known his intention to bring about, as early as possible, through, negotiations with the Assembly of States of the Duchy of Holstein who are to be newly elected at the close of 1860, an understanding as to their position in the Constitution.

In accordance therewith, His Majesty, by a Patent of the 19th February, summoned the said States to an extraordinary meeting, and at such meeting, on the 6th instant, after making to them a communication relative to the motions respectfully made in the Constitution question by the Provincial States in 1859, as also relative to the steps taken by His Majesty for re-establishing a definitive settlement of this matter; he was pleased, at the same time, to lay before them an exposition in reference, on one hand, to the separate Constitution of the Duchy,

and, on the other hand, to its position in regard to the common affairs of the Monarchy.

As in the present state of the case, and under circumstances which cannot be altered by one party, it is acknowledged on all sides to be impossible to determine immediately, and to carry into effect, a Constitution which shall be common to the whole Monarchy, more especially when the States of the Duchy of Holstein have, up to this time, considered it to be incompatible with their interests that Representatives of the Duchy should assemble together with those of the rest of the Monarchy in a joint body, which the Supreme Proclamation of the 28th January, 1852, presumes to be the central point ("Schwerpunkt") of such Constitution; the King's Government has been solicitous, in consideration of the point of view especially held forth by the Federal Assembly, and for the effectual decision of the matters to be discussed, to grant now to the Assembly of States of the Duchy such a substantial and comprehensive co-operation in the legislation both of separate and joint affairs, and in the determination of the whole Budget, as is generally compatible with the undisturbed march of a States Administration corresponding with the said Supreme Proclamation.

Though it be acknowledged that such determination of the position of the Duchy in the Monarchy as is now tendered to the States of Holstein cannot be looked upon as definitive, nevertheless the Constitution question would be thereby so far advanced that the further development of the relations of intimate union between the Holstein States and the constitutional organ of the rest of the Monarchy might be reserved to Supreme approval, and the dissensions which have long existed between Denmark and Germany would be completely terminated.

The King's Government having been desirous of making the above communication now to the High Federal Assembly, reserves to itself, for the rest, to make such further communication, after the termination of the States' proceedings, as may be rendered necessary by the result of the same.

No. 2.

Mr. Ward to Lord J. Russell.—(Received March 21.)

My Lord, *Hamburgh, March 19, 1861.*

I HAVE the honour to transmit to your Lordship a copy of the report of the Committee of the States of Holstein to which the Government propositions were referred on the 7th instant, together with a summary of the contents of the Report. The Committee recommends the rejection absolutely of the first proposition for the definitive organisation of the Monarchy, as well as of the second proposition for provisionally fixing the position of Holstein in regard to the common affairs of the Monarchy. The third proposition, being the project of a new special Constitution for the Duchy of Holstein, has received several amendments, and, with these, is accepted; only subject to the condition that the Provisorium in regard to the common affairs of the Monarchy formerly desired by the States, and approved by the Federal Diet, shall be established. There appears no prospect of this last-mentioned condition being acceded to by the Government; therefore the third, as well as the two former propositions of the Government, may be considered as rejected.

The Report of the Committee is to be taken into consideration by the Assembly of the States on Thursday next the 21st instant, and there is very little doubt that it will be adopted by the Assembly. If so, the business of the Extraordinary Session will be speedily brought to a close, and the States will separate within the three weeks which were originally estimated as the duration of their Session.

It is more than ever to be regretted that the Danish Government has not followed the advice of the Great Powers, and submitted to the States the Financial Budget of the Monarchy for 1861, as in that case there would have been an opening for reconciliation, which now seems almost hopeless.

I have, &c.
(Signed) J. WARD.

Inclosure in No. .

Summary of the Report of the Committee of the States of Holstein on the Propositions made to the States by the Danish Government in March 1861.

THE Report comprises three heads:

1. The definitive organization of the Monarchy, on which the opinion of the States was asked by the Government;

2, The Project of Law submitted to the States for defining provisionally the position of Holstein in regard to the common affairs of the Monarchy;

3. The Project of Law relating to the Constitution of Holstein itself.

Under the first head, the Committee recommends an unreserved declaration by the States that they cannot agree to any such organization of the Monarchy as that proposed by the Government. The plan of a First Chamber of thirty members named by the Crown, and of a Second Chamber of sixty members, elected in the ratio of population throughout the Monarchy, would deprive Holstein of the independent and equal rights to which it is eutitled, and would place the Duchy at the mercy of a perpetual Danish majority, as was the case under the Corporate Constitution of October 2, 1855. The plan would also be inconsistent with that which, in the opinion of the Committee, continues to be the most desirable thing, viz., the restoration of the ancient political connection between Holstein and Schleswig. Without the union of the Duchies, it is emphatically urged, their well-being is impossible, nor can Germany expect any permanent peace so long as the Constitutional rights of the Duchies continue to be withheld from them.

Secondly, the Committee refers to the recommendations made by the States in their last Diet for a provisional arrangement of the affairs of the Duchy, in accordance with which the Federal Diet resolved, on the 8th of March, 1860, that during the Provisorium all laws laid before the Imperial Council ("Reichsrath") should also be submitted to the States of the Duchies of Holstein and Lauenburg, and that no law relating to the common affairs of the Monarchy, especially to finances, should be put in force within those Duchies, unless it should first have received the assent of the States. This demand is in accordance with the Royal Ordinance of the 28th of January, 1852, which guaranteed to the Duchies their independence and equal rights in regard to the other parts of the Monarchy. During the last two years the Government has done nothing towards the accomplishment of these objects, nor will they be fully attained by the Provisional Constitution now recommended; for it does not give to the States the right of concurrent legislation for all the common affairs of the Monarchy, as demanded by them and by the Federal Diet, but limits the legislative powers of the States to the taxes raised within the Duchy, to the domain lands, and other matters particularly specified, which are mostly of a local nature. It is not, therefore, intended to place the States of Holstein upon the same footing as the Imperial Council, or to give them the power of resolving on projects of law, whether financial or otherwise, which affect the interests of the Monarchy in general, but to treat Holstein rather as a Colony, or distant Province, than as an integral part of the entire Monarchy.

The Report remarks that the proportion to be contributed by Holstein to the common expenses of the Monarchy has been reduced by the Government project from 23 per cent. to 21·64 per cent. This is too much, the right proportion being 20·75 per cent. of the whole. It is complained that the Government seeks to continue the practice of levying more from Holstein than is placed to the credit of the Duchy, and the aversional sum of 640,000 dollars required to be paid over as the surplus from the domains of the Duchy is considered much too high, inasmuch as this would be about 35 per cent of the whole surplus arising from the entire domains of the Monarchy. After pointing out other practical difficulties found in the project, the Committee recommends the rejection of the proposed law for determining the provisional position of Holstein in regard to the common affairs of the Monarchy. The Committee regrets the possibility of an impending Execution being sent by the Federal Diet, but declares that such an occurrence would not be the fault of the States, who have done the utmost in their power to conciliate, and bring about a Constitutional state of things.

Thirdly, the Committee observes, that although former projects of special Constitutions for Holstein have been declined by the States, yet considering the defects of the existing special Constitution of the 11th June, 1854, and the many infringements of the liberty of the subject sanctioned by it, in regard to the police,

the press, public meetings, elections, &c., that it is desirable to accept an amended Constitution for the Duchy, provided always that a provisional settlement of the relations of Holstein to the rest of the Monarchy shall at the same time take place in conformity with the former demands of the States, and with the Federal Resolution of the 8th March, 1860. Upon this assumption, and not otherwise, the Committee recommend the adoption of the Government project of a new special Constitution for Holstein, subject to a number of amendments particularly specified, of which the following are the most important, viz :—

The new Constitution to be entitled a Provisional Law.

The phrase "special affairs" of the Duchy to be avoided, so as to prevent the supposition that the revenues of the domains do not specially belong to Holstein.

In regard to certain matters common to Schleswig and Holstein in which, according to the Royal Ordinance of the 28th January, 1852, the States are to have the power of resolving, a deliberative voice only is given them. They must have a resolving voice in conformity with the Ordinance.

The matters to be considered as specially belonging to the Duchy of Holstein, or to that Duchy in common with Schleswig, are then particularly enumerated.

The Committee objects to the proposed Court of Competency for deciding questions of excess of authority by the police or Government authorities, and wishes such questions to be decided by the ordinary Courts of Justice.

The Committee considers that concessions to printers, booksellers, or newspapers, ought only to be withdrawn for abuse by the sentence of a Court of Justice; that public meetings of unarmed persons ought to be allowed, though, if in the open air, they should have the permission of the police; and that the religious confession should make no difference either in civil, communal, or municipal rights.

Subject to these, and some other modifications of minor importance, they recommend the acceptance of the project of the Government specially concerning Holstein; provided always, that the Government consents to establish such a Provisorium for the position of Holstein as to the entire Monarchy, as is consistent with the Federal Resolution of the 8th March, 1860.

Lastly, in the present state of the relations between the Germanic Confederation and the Danish Government, the Committee does not advise the States to submit any propositions to the Federal Diet, but merely to authorize the President to communicate to the Federal Diet its objections, together with the propositions of the Government to which those objections relate.

(Signed by the eleven Members of the Committee.)

No. 3.

Mr. Paget to Lord J. Russell.—(*Received March* 23.)

My Lord, *Copenhagen, March* 20, 1861.

THE text of the Report of the Committee of the Holstein States was received here yesterday, and is published in abstract in the Danish papers this morning.

It recommends the total rejection of the proposals submitted to the States, and the tone in which this is done is little calculated to encourage further conciliatory efforts on the part of the Danish Government.

With regard to the proposed definitive organization, it refers to the basis laid down in the Report of the States of March 1859, and to the re-establishment of the former union between Schleswig and Holstein, as the only means of arriving at a permanent settlement.

It further recommends the States not to enter upon a discussion of, or to propose any amendments to, the provisional arrangement, as they might possibly interfere with the intentions and views of the Confederation; but it adds the opinion that if the proposal of the Danish Government were accepted, it would place the Duchy in the position of a colony, and would give no sufficient security for its autonomy and financial interests.

It is proposed to accept the special Constitution for Holstein with certain modifications.

The States will vote upon the Report on Saturday, and there is little doubt that it will be adopted unanimously.

In the meantime I am not without hope that M. Raaslöff's instructions may enable him to make some new proposal to the States respecting the Budget of

1861-62 which, if entertained, may possibly have the effect of averting the immediate danger to be anticipated from the abrupt termination of all negotiation.

As soon as the translation of the Report is completed, I shall forward it to your Lordship.

I have, &c.
(Signed) A. PAGET.

No. 4.

Mr. Paget to Lord J. Russell.—(Received March 25.)

My Lord, *Copenhagen, March 22, 1861.*

IN order to clear up all doubts as to the extent of the powers accorded to the Holstein States to vote the quota of the Duchy in the common Budget for the year 1861-62, my Swedish colleague requested M. Hall to give him an explanation in writing.

M. Hall acceded to this request, and Count Wachtmeister has accordingly drawn up a memorandum, which he has had the goodness to communicate to me, of which the inclosed is a copy.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 4.

Memorandum.

AFIN d'éclaircir tous les doutes qui ont pu surgir relativement à l'étendue du droit accordé par les propositions du Gouvernement Danois aux Etats du Holstein de voter la part contributive de ce Duché au Budget commun pour l'exercice de 1861-62, M. le Président du Conseil a bien voulu, à ma demande expresse, me fournir les explications suivantes.

La Résolution Royale du 23 Septembre, 1859, ayant été insérée au § 13 des propositions soumises aux Etats du Holstein, il en résulte que la part contributive de ce Duché au Budget commun de 1861-62 a été soumise aux délibérations des Etats au même titre que toutes les autres stipulations contenues dans les dites propositions.

Dans la Résolution du 23 Septembre, 1859, la part afférante au Holstein tant des récettes que des dépenses communes est indiquée par chapitres, mais lors de la discussion du Budget il est permis aux Députés des Etats de provoquer des éclaircissements détaillés sur tous les articles de dépenses contenues dans chaque chapitre, et ils seront ainsi mis à même de discuter le Budget tout entier dans toutes ses parties et subdivisions. La circonstance que le Budget a été présenté sous forme d'une Résolution Royale déjà adoptée, au lieu d'en faire l'objet d'une proposition nouvelle, ce qui a été fait uniquement pour ne pas considérer la Résolution du 23 Septembre, 1859, depuis longtemps publiée, comme si elle n'existait pas, ne change absolument rien au fond des choses ni au droit de vote concédé aux Etats.

C'est aussi conformément à cette intention du Gouvernement du Roi d'accorder aux Etats du Holstein le droit de discuter dans son entier la part contributive du Duché au Budget commun qu'un employé spécial du Ministre des Finances a été adjoint au Commissaire Royal, et que les instructions itérativement données au Ministre Raaslöff l'autorisent à permettre une discussion complète du Budget en question.

De ces circonstances on espère qu'il ressortira clairement que le Gouvernement du Roi a entièrement rempli le désir exprimé par les quatre Puissances, et que la discussion du Budget permise aux Etats excède même la mesure de ce que M. de Schleinitz avait indiqué comme convenable dans ses entretiens avec le Ministre du Roi à Berlin. Mais, d'un autre côté, il n'en est pas moins certain que la Commission des Etats chargée d'examiner les propositions Royales n'a demandé au Commissaire Royal aucun renseignement concernant cette question, comme aussi son Rapport ne dit pas un mot du § 13 du Budget commun de 1861-62, ce qui démontre clairement que son réjet des propositions du Gouvernement n'est fondé sur aucune raison puisé dans la forme sous laquelle la quote-part du Holstein au Budget commun de 1861-62 a été soumise aux délibérations des Etats.

Copenhague, le 21 Mars, 1861.

(Signed) LE CTE. WACHTMEISTER.

(Translation.)

IN order to clear up all the doubts which could arise relative to the extent of the right granted by the proposals of the Danish Government to the States of Holstein to vote the portion to be contributed by this Duchy to the Common Budget for the financial year of 1861-62, the President of the Council has been good enough, at my express request, to furnish me with the following explanation:—

The Royal Resolution of the 23rd September, 1859, having been inserted in section 13 of the proposals submitted to the States of Holstein, it therefrom results that the portion to be contributed by that Duchy to the Common Budget of 1861-62 has been submitted to the deliberations of the States on the same footing as the other stipulations contained in the said proposals.

In the Resolution of the 23rd September, 1859, the part allotted to Holstein as well of common receipts as of common expenses, is indicated by chapters, but at the time of the discussion of the Budget the Deputies of the States are permitted to call for detailed explanations relative to all the items of expense contained in each chapter, and they will thus be in a position to discuss the whole Budget in all its parts and subdivisions. The fact that the Budget has been presented under the form of a Royal Resolution already adopted, instead of making it the object of a new proposal, which has been done solely in order not to consider the Resolution of September 23, 1859, published long ago, as if it did not exist, makes no change at all in the substance, nor in the right of voting granted to the States.

It is also in conformity with this intention of the Government of the King to grant to the States of Holstein the right to discuss in its entirety the portion to be contributed by the Duchy to the Common Budget, that a special employé of the Minister of Finance has been attached to the Royal Commissioner, and that the instructions repeatedly given to the Minister Raaslöff authorize him to permit a complete discussion of the Budget in question.

From these circumstances it is hoped that it will clearly appear that the Government of the King has entirely fulfilled the desire expressed by the four Powers, and that the discussion of the Budget permitted to the States even exceeds what M. de Schleinitz had pointed out as proper in his conversations with the Minister of the King at Berlin. But, on the other hand, it is none the less certain that the Commission of the States charged with the examination of the Royal proposals asked the Royal Commissioner for no information on this question, nor does its Report say one word of section 13 of the Common Budget of 1861-62, which proves clearly that its rejection of the proposals of the Government is founded on no reason drawn from the form in which the quota of Holstein to the Common Budget of 1861-62 has been submitted to the deliberations of the States.

Copenhagen, March 21, 1861.

(Signed) LE CTE. WACHTMEISTER.

No. 5.

Mr. Paget to Lord J. Russell.—(*Received March* 25.)

My Lord, *Copenhagen, March* 22, 1861.

IN view of the certain adoption by the Holstein States of the Report of their Committee, I have suggested to M. Hall the expediency of separating the Budget of 1861-62 from the body of the Government proposals and submitting it by itself to the vote of the States.

I said that such a course of proceeding would respond completely to the requisitions of the Diet, in so far as they related to the Royal Patent of 1859, and the danger of a Federal Execution for this year at all events would be averted. It would be an additional proof of the desire of Denmark to act in accordance with the wishes of the four Powers, and could not fail to be appreciated as a further concession which contrasted very favourably with the hostile attitude assumed by the Holstein States.

M. Hall said he could not make me any positive promise on this subject, that he must be guided in some measure by accounts from Itzehoe; but I am not entirely without hope that this course, which has been also supported by my colleagues, may be followed.

In the course of this interview M. Hall informed me that having been asked by M. Raaslöff whether it would not be better, to avoid the violence likely to be manifested in the Holstein Assembly, to close the Session at once, he had replied that on the contrary the utmost freedom of discussion was to be permitted.

M. Hall thinks it possible the voting on the Report may not take place till the middle of next week.

I have, &c.
(Signed) A. PAGET.

No. 6.

Lord A. Loftus to Lord J. Russell.—(Received March 25.)

My Lord, *Berlin, March 23, 1861.*

AT my last interview with Baron Schleinitz, I inquired of him whether he had received any notification from Copenhagen that the Danish Government had consented to submit the Budget, as desired by the German Diet, to the deliberation of the Holstein States.

Baron Schleinitz replied that he had received no intelligence of this nature direct from Copenhagen, but that the substance of what Lord Wodehouse had stated in the House of Lords, which had been reported here by telegraph, had been confirmed from Paris and St. Petersburgh.

Baron Schleinitz observed that there was some divergence in the language of the Danish Government; for instance, he said that the late communication of Baron Bülow to the Diet at Frankfort, as also the language of the Danish Minister at this Court, was conciliatory and satisfactory, but that it did not quite tally with the language held by M. de Bille in London, or with that held by the Danish Government to the States of Holstein.

If, however, said Baron Schleinitz, Denmark consents to submit the laws and the Budget of the common Monarchy to the Holstein States for their deliberation, she will have satisfied all the demands of the Diet, and Germany will have nothing more to require.

It is not, said his Excellency, because all these questions relating to the United Monarchy are to be submitted to the Holstein States that it is to be inferred that what they may reject as inapplicable to Holstein may not be acceptable to, and become law for, the other provinces of the Monarchy. All we can ask under the Provisorium is that, as the Danish Government maintain the "Gesammtstaat," the State of Holstein shall be treated on a par with the Danish Rigsraad, or, in other words, that they shall have the power of deliberation over questions relating to Holstein in the same manner as the Danish Rigsraad will have control over measures proposed for the Danish provinces. If, therefore, as was reported to be the case, the Danish Government had consented to submit the Budget to the States of Holstein, then his Excellency considered that the question of difference between Germany and Denmark was settled.

It had been, continued his Excellency, in consequence of the refusal of Denmark to agree to the Decree of the Federal Diet, that the Diet had been obliged to interfere.

Baron Schleinitz observed, that the Danish Minister in London had stated to your Lordship that his Government could not agree to allow the States of Holstein to discuss the Budget; on which your Lordship had very justly replied, that the constitutional system in England did not recognize the principle that a Budget could be submitted to a Representative Assembly without implying also their right of discussing it.

If the concessions now reported to be made by the Danish Government should be confirmed, it may be confidently hoped that the differences between Germany and Denmark will be adjusted; nor do I think that the Prussian Government will be inclined to provoke, unnecessarily, any fresh contest with Denmark.

It is to be hoped that Denmark, on her part, will also endeavour to come to a satisfactory arrangement with the States of Holstein, so as in future to avoid again, if possible, any recurrence on the part of the German Duchies to the intervention of the Diet.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 7.

Mr. Paget to Lord J. Russell.—(Received March 28.)

My Lord, *Copenhagen, March 25, 1861.*

THE first deliberation in the Holstein Assembly on the Government propositions occupied three sittings, that of Thursday, Friday, and Saturday. The second deliberation, which is final, begins to-day, and the vote will then be taken.

Hitherto the speakers have pronounced themselves unanimously against the project of a definitive Constitution, but several have spoken in favour of the provisional arrangement. Here it is considered certain that the provisional arrangement will be rejected, but there appears to be an impression at Itzehoe that it may perhaps be accepted.

The Royal Commissioner has taken occasion, during the discussions, to observe that no information had been sought from him with reference to the Budget, and that it was the fault of the members of the Assembly if they did not discuss it according to the intentions of the Government.

I have, &c.
(Signed) A. PAGET.

No. 8.

Mr. Ward to Lord J. Russell.—(Received March 28.)

My Lord, *Hamburgh, March 26, 1861.*

I HAVE the honour to inform your Lordship that the States of Holstein, which have been deliberating at Itzehoe since Thursday last upon the Government propositions, yesterday resolved, in accordance with the recommendation of the Committee, to reject the first part of those propositions relative to the definitive organization of the Monarchy. The vote upon the second and third parts of the Government propositions was not taken yesterday, but there is no doubt of the disposition of the Assembly to reject those parts also. As the three weeks fixed by the Government for this extraordinary Session of the States will expire on the 28th instant, it is now thought that their Session may possibly be prolonged till after Easter, but much will depend upon the turn of the debate this afternoon.

Your Lordship will perceive by the report of the proceedings that up to yesterday the States did not consider that the Financial Budget of the Monarchy for the year 1861-62 had been submitted to them, and that they treated as nugatory the Declaration made in section 13 of the Project of Law for fixing the position of Holstein in regard to the Monarchy, that the Budget for the year 1861-62 should be regulated by the terms of the Budget already fixed by the Government for the two years 1860-62. The States did not find that the circumstance of the entire Project of Law being submitted to them as a whole enabled them to say Yes, or No, to the items of the Budget, and they could not induce the Royal Commissioner to give them any direct answer upon this point, which is so important as bearing upon the question of the Federal Execution. Possibly this afternoon, or to-morrow, the Royal Commissioner may be enabled to state whether the Danish Government thinks that it has done sufficient in submitting to the States the Project of Law comprising the Declaration in section 13 with respect to the Budget; but as the case at present stands, the States do not admit that the Budget has been submitted to their vote and decision.

I have, &c.
(Signed) J. WARD.

No. 9.

Mr. Paget to Lord J. Russell.—(Received March 30.)

My Lord, *Copenhagen, March 27, 1861.*

IN the sitting of the 25th instant the Holstein Assembly rejected the proposal for the definitive organization of the Monarchy, there being only one vote, that of M. Rencke, in favour of its acceptance.

In the same sitting, Messrs. Versman and Blome declared, in the name of the Committee, that the second reading of the Provisional Arrangement could not be

proceeded with until the Royal Commissioner had stated what was the real meaning of paragraph 13 of the Government proposal; whether, in short, it meant that the Budget was really laid before the States with power to vote on it, or not.

M. Raaslöff, apparently not feeling himself sufficiently authorized by his instructions to give the desired explanations, reserved his answer for the sitting of the following day, and in the meantime communicated with the Government. He at the same time suggested to M. Hall that if the Budget was to be discussed, it was nearly impossible the session could be brought to a close by the time originally fixed, and asked for authority to prolong it for a fortnight. The instructions forwarded by M. Hall by telegraph on the evening of the 25th instant are embodied in a paper which he communicated to me yesterday, and of which the inclosed is a copy. They appear very clear and explicit on the point in question.

I observe, however, in the report which appears in this morning's papers of the proceedings of the Diet yesterday, that notwithstanding these instructions, M. Raaslöff still reserved his explanations relative to paragraph 13: a declaration which produced a violent attack by Messrs. Versman and Blome on the Government, whom they accused of duplicity and double-dealing.

The sittings of the Assembly were prorogued till the 4th of April, and M. Raaslöff is expected to return immediately to Copenhagen.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 9.

Memorandum.

LE § 13 du projet concernant le Réglement Provisiore assigne aux Etats la même position vis-à-vis du Budget de 1861-62 que celle qu'ils auraient eu si ce Budget leur avait été soumis lui-même et séparément. Ils seront par conséquent pleinement libres d'adopter, de rejeter, ou d'amender dans leurs détails, toutes les sommes fixées comme contribution de Holstein aux dépenses communes. C'est par la faute de l'Assemblée elle-même que cette question n'a pas été déjà soumise à la discussion par le Comité; mais, néanmoins, le Gouvernement est allé jusqu'à autoriser le Commissaire à accorder dans ce but aux Etats une prolongation de quinze jours. Dans le cas où les Etats ne se prévaudront pas même de cette invitation réitérée, il est enjoint au Commissaire de pourvoir à ce qu'il soit suffisamment constaté que c'est l'Assemblée des Etats elle-même qui a repoussé l'occasion qui lui a été offerte pour délibérer sur le Budget en question.

(Translation.)

SECTION 13 of the project concerning the Provisional arrangement assigns to the States the same position with regard to the Budget of 1861-62 as that which they would have had if that Budget had itself been separately submitted to them. They will consequently be perfectly free to adopt, to reject, or to amend in their details, all the sums fixed as the contribution of Holstein to the common expenses. It is the fault of the Assembly itself that this question has not already been submitted to discussion by the Committee; but nevertheless, the Government has gone so far as to authorize the Commissioner to grant an extension of fifteen days to the States for this purpose. In case the States should not avail themselves even of this reiterated invitation, the Commissioner is instructed to take care that it should be made sufficiently evident that it is the Assembly of the States itself which has rejected the opportunity which has been offered it, to deliberate on the Budget in question.

No. 10.

Mr. Ward to Lord J. Russell.—(Received March 30.)

My Lord, *Hamburgh, March 27, 1861.*

I HAVE the honour to report to your Lordship that, according to information which has reached this place from Itzehoe, the States of Holstein adjourned yesterday afternoon till Thursday the 4th of April. The Royal Commissioner still refused

to declare whether, in the 13th section of the Project of Law prepared by the Government for fixing provisionally the position of Holstein in regard to the common affairs of the Monarchy, the Financial Budget of the Monarchy for the year 1861-62 was submitted to the States or not. The Royal Commissioner is stated to have gone to Copenhagen for the purpose of obtaining the final instructions of his Government as to what he shall say to the States. His conduct in not at once answering the question was severely censured by several Members of the Assembly, who observed that the Danish Cabinet ought at least to have known its own meaning in a matter of so much importance.

The general opinion here seems to be that, notwithstanding the assurances lately given by the Government of Denmark to Her Majesty's Government, as referred to by Lord Wodehouse in the House of Lords, the Danish Cabinet has never had any serious intention of complying with the recommendation of the Great Powers to lay the Financial Budget before the States. But it is to be hoped that all doubt upon this subject will be removed when the States meet again after the Easter holidays.

I have, &c.
(Signed) J. WARD.

No. 11.

Lord J. Russell to Mr. Paget.

Sir, *Foreign Office, March* 30, 1861.

WITH reference to your despatch of the 27th instant respecting the Danish Duchies, I have to instruct you to state to the Danish Government that nothing will bring the question which has arisen in Holstein to a peaceful issue but the most frank and clear conduct on the part of Denmark.

The Budget, so far as Holstein is concerned, should be submitted to the States of Holstein and their consent should be explicitly asked. Such was the advice given by Great Britain, in conjunction with the Governments of France and Russia; and Denmark will find it her own interest neither to reject nor to evade it.

I am, &c.
(Signed) J. RUSSELL.

No. 12.

Lord J. Russell to Lord A. Loftus.

My Lord, *Foreign Office, March* 30, 1861.

I HAVE received and laid before the Queen your despatch of the 23rd instant, reporting a conversation which you have lately held with Baron Schleinitz upon the subject of the Holstein question.

Her Majesty's Government consider that it is desirable that the points in dispute between the German Confederation and the King of Denmark should be made as clear as possible.

It is with this view that I instruct you to give explanations on the following points:—

1st. Her Majesty's Government understand that the German Confederation require that the States of Holstein should have submitted to them the Budget, that is to say, the quota of contribution to be paid by Holstein for the expenses of the Monarchy, as well as the sums necessary for the local expenditure of Holstein.

2ndly. Her Majesty's Government understand that the German Diet require that laws which are to bind the whole Monarchy should be submitted to the States of Holstein, and obtain their assent before they can become binding, so far as Holstein is concerned.

These two requirements appear to Her Majesty's Government to be just. They are conformable to the Constitutional laws and the customs which were in force in the Kingdoms of Great Britain and Ireland before the Irish Union.

But there is a third point regarding which some obscurity prevails.

M. Hall appears to infer that the German Diet demand that a law affecting Denmark only, approved by the Rigsraad, shall not have the validity of law unless it is laid before the States of Holstein for their information, although not for their consent.

I confess I read the votes of the German Diet in the same way as M. Hall. At the same time such a demand appears to Her Majesty's Government quite unreasonable, and Count Bernstorff denies that it makes part of the requirements of the German Diet.

I shall be glad to hear from you a precise explanation on these points.

I am, &c.

(Signed) J. RUSSELL.

No. 13.

Lord A. Loftus to Lord J. Russell.—(*Received April* 1.)

My Lord, *Berlin, March* 30, 1861.

THE inclosed Memorandum, derived from a perfectly trustworthy source, and coming direct from Itzehoe, throws a clear light upon the late proceedings in the Holstein Assembly with reference to the question as to whether or not the Danish Government, agreeably to the assurances reported to have been given to Her Majesty's Government, had submitted the Budget of the United Monarchy to the deliberation of that Representative Body, and a curious insight is afforded by this paper into the expedients to which the Danish Government apparently finds it necessary to have recourse in their dealings with the Duchies.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 13.

Memorandum.

THE case, probably without parallel in the records of Parliamentary history, has just occurred in the Holstein Assembly, of a Representative of the Government, the Minister for Holstein, not being in a position to answer the simple question as to whether, in his opinion, a Budget had been submitted to the Assembly or not. The circumstances under which the Minister found himself under the necessity of leaving such a question unanswered, are of a very peculiar nature, and place the value to be accorded to the promises of the Danish Government in a very doubtful light.

The German Diet had decreed on the 8th of March, 1860, that, until a Constitution for the whole Danish Monarchy had been definitively settled upon, no law with reference to the common affairs of the Monarchy, specially including therein financial matters, should be passed for the Duchy of Holstein without previously obtaining the assent of the Holstein States.

The Danish Government acted openly in contradiction to this Decree, when in July 1860 it published as a Law the Budget for the financial year 1860-61 without having previously submitted the same to the Holstein States. The Diet found itself thereby forced to reiterate its former Decree under the threat of a Federal Execution. The non-German Great Powers considered this demand of the Diet a fair one, and advised the Danish Government to submit to the Holstein States the Budget for the common income and expenditure of the Monarchy.

On the 6th of March of the present year the Holstein States were opened. There were laid before them the general outlines of a future common Constitution of the Monarchy; secondly, a draft of Law for the provisional position of Holstein with respect to the common affairs of the Monarchy; and lastly, a project of Law respecting the special Constitution of Holstein. A Budget was not to be found amongst these propositions, at least no member of the Assembly was able to discover one; and the Danish Government, likewise, was undoubtedly of opinion at the time it opened the Assembly that they had not submitted a Budget, inasmuch as in the Royal Message communicated to the Assembly upon the occasion of its being opened, it is distinctly stated "that it had appeared unfeasible to accede to

the demand made in the Decree of the Diet of the 8th of March, 1860." The duration of the present Diet had at its commencement been fixed for three weeks, and if an extraordinary event had not arrived in the meantime, the Holstein States would have separated on the 27th of March without having had an idea of the possibility of any one's maintaining later that a Budget had been submitted to them.

This event was a discussion in the English Upper House. On the 18th of March Lord Ellenborough brought the Dano-German question under discussion, and Lord Wodehouse, in reply to his interpellation, stated that in accordance with a despatch just received from Copenhagen, it appeared that the King of Denmark had given in on the question of the Budget, and had consented that the Budget for the common affairs of the Monarchy should be submitted to the deliberative, *i. e.*, decisive vote of the States. The Members of the Assembly read with utter astonishment the declaration made by Lord Wodehouse, inasmuch as whilst in reality no Budget had been submitted to the Assembly, official notification was given in London of a Budget having been so submitted. At the same time, from certain expressions used by the Government press at Copenhagen, it appeared that the supposed Budget was by way of being contained in Section 13 of the Project of Law with regard to the provisional position of Holstein in respect to the common affairs of the Monarchy. This article, however, does not contain in the remotest degree a Budget for the current financial period, but only certain general provisions in respect to the manner in which for the future, that is, after the 1st of April, 1862, the contribution of Holstein to the general expenditure of the Monarchy is to be ruled; whilst, on the other hand, it is distinctly stated in the motives which accompany this Project of Law that the Holstein States are not to be treated with, with reference to the current Budget. Under these circumstances the Committee for the Constitution in the Holstein States deemed it their duty to ascertain the exact state of the facts, and to ask the Representative of the Government, Minister Raaslöff, whether in his opinion the Budget had been laid before the Chamber or not. This occurred in the sitting of the 25th of March. The Minister was unable to give a distinct answer to this question; he was unable to say whether he thought that he had laid a Budget before the Chamber or not. He declared that he must first ask at Copenhagen. On the following day, after receiving instructions from Copenhagen, he was just as little in a position to give a decisive answer, and declared that owing to the importance of the matter the Government must take time to consider, and consequently, that the sittings of the Chamber must be adjourned from the 26th of March to the 4th of April.

From the above it results that whilst the Danish Government has assured the Great Powers that the Budget had been laid before the Holstein States, the States themselves, in reply to the question as to whether this had taken place or not, were unable to get a distinct answer from the Representative of the Government. It results further that the Danish Government, at the commencement of the Holstein Diet, had not thought that the propositions which they submitted to the States contained a Budget, and that they have only made this discovery later on, inasmuch as since the opening of the States no new propositions of any sort have been made to them.

No. 14.

*Lord J. Russell to Mr. Paget.**

Sir, *Foreign Office, April 3*, 1861.

I INCLOSE herewith a copy of a despatch from Her Majesty's Chargé d'Affaires at Hamburgh,† reporting the proceedings of the States of Holstein relative to the proposition for the organization of the Danish Monarchy; and with reference to that portion of Mr. Ward's despatch which says that the States do not consider that the Budget of the Monarchy had been submitted to them, I have to request that you will give me your opinion upon this subject, and inform me whether you consider that this Budget, and especially the Budget for 1861–62, has been *bonâ fide* submitted to the Holstein States.

I am, &c.
(Signed) J. RUSSELL.

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* Similar despatches were addressed to Lord A. Loftus and Lord Bloomfield. † No. 8.

No. 15.

M. de Bille to M. Hall.—(Communicated to Lord J. Russell by M. de Bille, April 8.)

(Extrait.) *Londres, le 27 Mars, 1861.*

J'AI vu hier au Foreign Office Lord Wodehouse.

J'expliquai au Sous-Secrétaire d'Etat l'affaire du Budget.

Lord Wodehouse me dit qu'il comprenait parfaitement que le Gouvernement du Roi n'avait pas voulu soumettre à l'Assemblée d'Itzehoe un Budget tout nouveau pour cette année, mais seulement l'Ordonnance Royale du 25 Septembre, 1859, et il ajouta qu'il n'avait non plus dit autre chose en réponse à l'interpellation de Lord Ellenborough. Comme moi il avait cru que mon Gouvernement eut d'abord restreint la compétence de l'Assemblée à une acceptation ou un rejet pur et simple du Budget de l'Ordonnance, mais la dépêche télégraphique qu'il avait reçue et dont il avait fait mention dans son discours, l'avait informé qu'on accordait maintenant à l'Assemblée Holsteinoise une compétence illimitée à cet égard. Il n'avait pas, il est vrai, entendu cette concession comme étant déjà faite par le paragraphe 13 de la Loi Provisoire, mais comme une concession ultérieure de notre part.

(Translation.)

(Extract.) *London, March 27, 1861.*

I SAW Lord Wodehouse yesterday at the Foreign Office.

I explained the matter of the Budget to the Under-Secretary of State.

Lord Wodehouse told me that he perfectly understood that the Government of the King had not intended to submit a perfectly new Budget for this year to the Assembly at Itzehoe, but only the Decree of the 25th of September, 1859; and he added that he had not said anything else in reply to Lord Ellenborough's motion. Like me, he had believed that my Government had at first confined the competence of the Assembly to a simple acceptance or rejection of the Budget of the Decree, but the telegraphic despatch which he had received, and of which he had made mention in his speech, had informed him that the Assembly of Holstein were now allowed an unlimited competence in this respect. He had not, it is true, understood this concession as having been already made by paragraph 13 of the Provisional Law, but as a later concession on our part.

No. 16.

Mr. Paget to Lord J. Russell.—(Received April 8.)

My Lord, *Copenhagen, April 1, 1861.*

I HAD an interview with M. Hall this morning; and in obedience to your Lordship's instructions I explained to his Excellency that nothing will bring the affairs of Holstein to a peaceful issue but the most frank and clear conduct on the part of the Danish Government; that the Budget, so far as Holstein is concerned, should be submitted to the States of Holstein, and their consent explicitly asked; that such had been the advice given by Great Britain, in conjunction with France and Russia; and that Denmark will find it her interest neither to reject nor evade it.

I called M. Hall's particular attention to the latter phrase: and I considered it so necessary that his Excellency should be well impressed with the whole of this important communication that I repeated it over to him twice. I said that it was worthy of the more attention, because I believed it must have been sent by your Lordship after you had received a copy of the last instructions sent to M. Raaslöff. If this was so, it was evident your Lordship did not consider those instructions explicit enough for the purpose they were intended to answer.

M. Hall asked me if I could point out what could be considered not sufficiently clear in them.

I replied that the instructions, as far as they went, were clear; but that they unfortunately did not go quite far enough to offer any hope that the Holstein States would be satisfied with what they offered. Their right to reject, amend, and vote, was stated very distinctly, but there was no indication that what they did vote would be accepted by the Government. This, I said, was the all-important point

to the States, and without it was conceded, there was very little probability that they would enter on the discussion at all. The assurances which his Excellency had given on the subject might be perfectly satisfactory to other Governments; and, for my own part, I said, I was convinced that as soon as the States had pronounced themselves, his Excellency's words would be made good, and the Budget would be adopted and published by the Danish Government such as it had been voted by the States. But it was necessary, I continued, to make this clear to the States; and I would say that, in my opinion, the simple manner of doing this would be to instruct the new Commissioner, on the re-opening of the meeting, to state, in the name of the Government, that all that had hitherto taken place on this question was the result of confusion and misunderstanding; that the Government had really intended by paragraph 13 of their Proposals to give the States an opportunity of discussing the Budget by submitting to them the Royal Ordonnance of the 25th September, 1859; that they renewed that opportunity now, with permission to the States to separate it from the general project of which it had been submitted as a part; that they requested the States to vote upon it; and that their vote should be decisive.

M. Hall replied that the pretensions of the Holstein States were now no longer confined to a deliberative vote over the quota of Holstein in the Budget for the common expenses; that what they would now require was, that the Budget for the whole Monarchy should be submitted to them. This had arisen, in some measure, from an erroneous report which had been made in the newspapers of Lord Wodehouse's speech in the House of Lords, by which he had been made to say that the Danish Government had conceded a deliberative vote to the States over the whole Budget of the Monarchy. He was happy, however, to find, from a report which M. Bille had made to him of a conversation he had had with Lord Wodehouse, that the matter was correctly understood and described by his Lordship, and that his observations in reply to Lord Ellenborough related only to the share of Holstein in that Budget. Lord Wodehouse's statement as thus explained was, M. Hall said, perfectly correct.

The Danish Government, continued M. Hall, so far from wishing either to reject or evade the advice given by Great Britain, in conjunction with France and Russia, was determined to go to the utmost length in following it; and he could assure me that the instructions to be given to the new Commissioner, which would be read by him in the form of a communication from the Government to the States, would state in the clearest and most explicit manner that the States were at liberty to separate the Budget from the general project, and "à moins d'un obstacle insurmontable" their vote would be sanctioned by His Majesty.

I said I could not but regret that reserve. That it was, I was led to believe from all his Excellency had told me, only one of form, for if the Danish Government was prepared to accept any reduction which might be made in the Budget, the words were meaningless, although they were sufficient to enable the States to say that the Budget was not submitted to their decisive vote, which was what was required by the Resolutions of the Diet, and what the three Powers had advised the Danish Government to concede. I confessed my inability to understand the tenacity with which the Danish Government held to this point.

M. Hall said that the position of the Holstein States was different from that of any other Representative Assembly. If, for instance, the Rigsraad or the Rigsdag (Danish Diet) refused a Budget submitted to them, the Sovereign had the power of dissolving them, and the Government could make an appeal to the country through new elections; but the Sovereign had no such power over the Holstein States, he was not able to dissolve them, and the consequence was that if he should renounce his right of veto and give them an absolute power over the Budget, he would divest himself of the only sovereign authority he possessed, and would place them in a position which was held by no Representative Assembly in the universe. I said I would not contest the importance of this consideration if it was a question of establishing a permanent order of things, but that there was no need that what was now done should constitute a precedent. The Danish Government might, I said, effectually guard itself against this by stating that they made the concession in this instance only, and reserved their entire liberty of action as to the future. It was now a question of avoiding an immediate danger: extreme cases required to be met by extreme measures. The Danish Government, by the confusion and vagueness of their language, had laid themselves open to the charge of duplicity and bad faith on the part of the States; that of course this charge would not be let drop by the

enemies of Denmark, and it might easily assume a semblance of truth without the most frank and explicit conduct on the part of the Danish Government. They were now, however, I continued, in a position to completely turn the tables, and, by acting on the advice of Her Majesty's Government, of proving to the world that their intentions had been misrepresented. The more exaggerated the pretensions of Holstein became, I added, the more favourable would it be for the position of the Danish Government if they acted on the advice they had received; and if the Holstein Assembly demanded that the Budget for the whole Monarchy should be submitted to them, they would be asking a thing which would appear absurd to every one, and which no one would support.

M. Hall said he would not contest the truth of the arguments I had used, but he could not consent to advise the King to waive his right of veto. It would, however, be made clear, as he had before said, in the communication which is to be made to the States, that the King, "à moins d'un obstacle insurmontable" (his Excellency again repeated these words), will sanction their vote; and his Excellency concluded by making use of an argument the force of which it is, I think, impossible to deny. He said, "What risk do the States incur by discussing the Budget on these terms? If the King does not sanction their vote, notwithstanding the declaration to be made, they can have recourse to the Diet as well as to the three Powers, who will probably not support us if we have deceived them."

I ended this somewhat lengthened conversation by imploring M. Hall at all events to employ, in the communication which is to be made to the States, language which would be intelligible to every one; because, I said, if the difficulties inherent to the question itself were to be increased, as they had been lately, by a confusion and an obscurity of expression which no one could comprehend, it was totally hopeless to look for any satisfactory solution.

I would only observe, in conclusion, that if the communication to the States is such as M. Hall declares it will be; that it makes them clearly understand, in short, that their vote will be sanctioned by the King,—every practical security would appear to be given for their vote being respected, although the particular form which they desire, and which I certainly wish it had been possible to obtain, may be wanting. The term indeed, "obstacle insurmontable," may certainly admit of a very elastic interpretation; but when it is taken in conjunction with the assurances which M. Hall has given, both verbally and in writing, and which he states that the Royal Commissioner will be authorized to repeat to the Assembly should he be interrogated on the subject, it can hardly be taken as anything but a mere formal expression without further importance than that of avoiding a total renunciation of a right appertaining to the Crown.

I have, &c.

(Signed) A. PAGET.

No. 17.

Mr. Paget to Lord J. Russell.—(Received April 8.)

My Lord, *Copenhagen, April 2, 1861.*

M. HALL read to me in our interview yesterday an extract of a despatch he had received from M. Bille, giving an account of a conversation he had had with Lord Wodehouse in which he had explained to his Lordship how the matter stood in regard to the presentation of the Budget of 1861-62 to the States of Holstein. M. Bille says nearly as follows:—

"Lord Wodehouse m'a dit qu'il n'avait jamais compris qu'il s'agissait d'un autre Budget que celui contenu dans l'Ordonnance Royale du 25 Septembre, 1859, qui règle la quotepart à contribuer par le Holstein. Qu'il appréciait fort bien les raisons pourquoi le Gouvernement Danois ne pouvait pas présenter un tout nouveau Budget aux Etats. Il avait cru comme moi au commencement que les Etats avaient seulement le droit de rejet ou d'acceptation pur et simple, mais par une dépêche télégraphique de Copenhague il avait compris qu'on s'était enfin décidé à accorder aux Etats une compétence illimitée sur ce Budget, et que c'était là le sens de ses observations en réponse à Lord Ellenborough."

M. Hall said that Lord Wodehouse was perfectly correct in this statement, and that he had represented faithfully the intentions of the Danish Government.

but the papers had reported his Lordship to have spoken of the Budget for the whole Monarchy, and the pretensions of the Holstein States had, as I have reported his Excellency to have said in my previous despatch, risen in consequence.

However this may be I cannot but regard Lord Wodehouse's speech as a most fortunate circumstance. Immediately it became known at Itzehoe a categorical inquiry was addressed to the Royal Commissioner as to the real meaning of the 13th paragraph of the Government proposals, which would otherwise have passed without further notice than the few words which were said on the subject by M. Raaslöff, as reported in my despatch of the 25th ultimo, in one of the early sittings of the Assembly; and there would subsequently have arisen a discussion between the Federal Diet and the Danish Government as to whether the Budget had been submitted to the States or not, one certain result of which must have been to embroil and complicate matters a great deal more than they are at present: this affair will at all events now be cleared up.

I will not attempt any further explanation of how M. Hall reconciles the expression of "compétence illimitée," which he says correctly represents the intentions of the Government with the withholding a decisive vote from the States. I can only refer your Lordship to my previous despatches on this matter, and express my own satisfaction at receiving this further testimony from M. Hall as to the correctness with which I have reported our conversations.

I have, &c.
(Signed) A. PAGET.

No. 18.

Mr. Paget to Lord J. Russell.—(*Received April* 8.)

My Lord, *Copenhagen, April* 3, 1861.

WITH reference to my despatch of the 20th ultimo, I have the honour to transmit to your Lordship a translation of the Report of the Committee of the Holstein States on the proposals submitted to them by the Danish Government.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 18.

Report of the Committee of the States of Holstein, dated Itzehoe, March 16, 1861.

(Translation.)

DURING the last meeting of the Holstein States, the Royal Government invited them to come forward with their wishes and petitions, on the subject of the Constitutional position of Holstein in the common Monarchy, on the basis of the Royal Patent of 28th January, 1852.

The Assembly earnestly entered upon this task, and has, in a Report, stipulated the conditions upon which, by the establishment of a United Monarchy on the proposed basis, the promises of independence and equality to all parts of the Monarchy can alone be realized, and the principal interests of the Duchy of Holstein secured.

In the Royal Message these proposals have been rejected as impracticable, whereas an outline of a new organization has been laid before the Assembly for their opinion. By it the Government think to be able to arrive at a definitive and satisfactory settlement of the question.

The Committee have endeavoured to discuss this proposal with all the impartiality which the Assembly is entitled so expect from it. After a conscientious examination of it, they regret to have to arrive at the conclusion that a settlement cannot be effected on the basis of this proposal.

The plan of the Government consists principally therein, that the Council of State established by the Constitutional Law of the 2nd October, 1855, shall be divided into two Chambers, of which the first is to consist of at least thirty members, chosen, for lifetime, by the King; and the second of sixty members, elected for six years, of which one-half are to be elected by direct, and the other half by indirect election, according to the rules hitherto observed; further, that all laws regarding common affairs shall be laid before both Chambers for decision.

The census, applicable to the direct elections to the Council of State, shall be reduced by one-half; and both Chambers are to possess the initiative with respect to laws.

In the Report presented to His Majesty the King by the last Assembly, respecting the question of a Constitution, it is shown how the independence of separate States of a Monarchy is at variance with the formation of a common representation in a constitutional united Monarchy; how, in particular, the Council of State, established by the Constitutional Law of the 2nd October, 1855, on no account satisfies the demands, as regards the equality of rights, of the separate portions of the country, inasmuch as it secures to the Danish members a positive majority; and how the law of election, calculated by unfair means to return members of the majority, makes it impossible to consider the members elected as the real Representatives of the different portions of the country.

The Government have taken no notice of this Report. They have, in the said outline of a new organization, insisted on the formation of a Council of State, and have neither thought of a different combination of the same, nor upon an altered law of election. The only important alteration consists in this: that the members chosen by His Majesty form a separate First Chamber, and that the rule hitherto in operation with respect to the distribution of those members over the several portions of the Monarchy is abolished.

It is unnecessary to call attention to the fact that a First Chamber, elected by a Government in which, as has been shown in the said Report, and is again apparent in this proposal, the Danish element has a decisive majority, instead of forming a counterpoise to the pressure on the Duchies, will serve to organise and increase it. And just as evident is it that the promised development of the Constitutional competency of a representation whose mere existence is dangerous to the Duchies is incapable of allaying the general anxiety. The Committee, therefore, entertain no doubt but that the Assembly will give a declaration to the following effect:—That with respect to the organization of the Monarchy, it connot enter upon such proposals as those which are made in the Royal communication.

The most intelligent persons have in vain, during the last ten years, occupied themselves with the solution of these disputed questions. Two Constitutional laws for the Monarchy have been issued, and, after the lapse of a brief period, again repealed. Numerous projects have appeared, and again for ever disappeared. The proposals of the Assembly have not met with the desired result. That the Government, after all that has preceded, have presented such a plan to the Assembly, is only fresh evidence that it is impossible to solve the question satisfactorily in the manner hitherto proposed. The Assembly is thus confirmed in its conviction, that this state of suspense, by which Schleswig has continually been deprived of the position due to it, will in future, as has been the case during the last ten years, cause a continual interior struggle, in which the best strength of the people for its civilization will be lost in useless dissensions. When peace shall apparently have been established, the bitterness of mind in the people will continue to increase.

For centuries a close Constitutional union has existed between the Duchies. Their object has ever been a more intimate connection, and a complete development and realization of this union. The fixed and determined purport of a people, sustained through many centuries, replete with struggles and difficulties, is not so easily frustrated; and least, when the new state of things to be substituted does not satisfy any one, does not lead to a fixed result, and is a continual cause for fresh difficulties. The Assembly has, in the Report which it presented during its last session, fully expressed the sincere wish of the country with regard to a re-establishment and progressive development of the connection of the Duchies, to which they have been entitled from time immemorial. It must consider it as its duty again earnestly and decisively to declare that, according to its deepest conviction, perfect peace will not return to the country before the aforesaid demand has been completely satisfied.

The Government have repeatedly and most positively expressed the wish to enter upon new negotiations with a fresh-elected Assembly. This is again repeated in the Royal communication. In spite of the unsatisfactory state of affairs, the Government have allowed years to pass by, in order to find a more correct expression of the opinion of the country in the newly elected Representatives. At present more than half of the members of the Assembly sit there for the first time. His Majesty will acknowledge that no casual majority, but the true feeling of the population, is made predominant by this renewed proof of its sentiments.

Also in Denmark the conviction can no longer fail to find expression, that peace with

Germany is the first condition for its true development; that Denmark, through the German population of the Duchies, should naturally be drawn towards an alliance with Germany, and that it cannot expect any permanent peace with that country so long as it withholds from the Duchies their just rights.

II. The great difficulty connected with a definitive realization of the Constitutional relations caused the Assembly during its last session to call for a provisional regulation of the position of the Duchy of Holstein, by which its Diet would receive a co-operative power to decide in matters relating to all laws issued on the subject of common affairs. In accordance herewith the German Confederation has, under 8th March, 1860, resolved, "That during the Provisorium all projects of laws coming under the deliberation of the Council of State shall also be laid before the States of the Duchies of Holstein and Lauenburg, and that no laws respecting common affairs, especially those on finances, can be issued for the Duchies, unless they have been approved by the States of the said Duchies."

Two years have passed since the said petition was presented. Nothing has been done during this time to re-establish the shaken confidence in the Government. The vantage-ground taken by it, which caused the complaints on the part of the Assembly in its Draft of March 10, 1859, namely, the superior influence of Danish nationality in the Government; the absence of every effective representation for Schleswig and Holstein in the most important affairs of State; the pressure on the Duchies in financial and in other matters; the oppression of the German nationality in Schleswig; and, finally, the prohibition against the inhabitants of Schleswig and Holstein holding public meetings, whatever the object in view may be,—this false state of things has continued unchanged. A few concessions of the most trivial kind, which have been made to the German inhabitants of Schleswig, have not contributed to improve the state of affairs, but only confirmed the causes of the complaints. In Holstein the police authorities are active in preventing the presentation of individual petitions of political contents to the Assembly, although the right of petitioning is stipulated in the Constitution, and the forms chosen by the petitioners, according to the decisions of the Courts of Law, are admitted to be legal. In Schleswig, where the same laws are in force, hundreds are prosecuted and punished on account of such petitions, the contents of which are allowed to be legal, though not agreeable; one of the authors has been condemned to imprisonment in a fortress because he ought to have been aware of the criminality of a proceeding which the Judicial Faculty of Kiel in a decision has declared to be lawful. For the distribution of the draft of a petition of the majority of the Assembly of Schleswig, which act a decision of the Courts of Law has later declared as not being at variance with the law, the trade of a bookseller in Schleswig was stopped by the police for an entire year, without just cause, and contrary to law.

Functionaries who do not serve the political propaganda with sufficient energy, or who will not take active part in the election intrigues, are dismissed. In Schleswig the so-called dissatisfied subjects are stigmatized in formal proscriptions-lists, without the authorities concerned being called to account. Against any act with German tendency, not in accordance with the views of the Government, all the means at the disposal of the State are employed, but the greatest excesses with Danish tendencies are not only submitted to, but encouraged.

All the minor offices in the Customs and in the Post-offices are reserved for the commissioned and non-commissioned officers of the army. The clerks in the Custom-houses and the Post-offices were in October last invited to offer to take service in the Danish army, so that they might not forfeit their rights to promotion in such offices. This state of affairs can only have a very dangerous influence on the establishments of Customs and Post-offices; it causes an increase of Danish functionaries without local knowledge, and strangers to the inhabitants. Upon German clerks, who suffer by these arrangements, a demoralizing pressure is exercised, as their only chances are either to relinquish all hope of advancement in their position, or, with the view to the possibility of an approaching war with Germany, so much spoken of by the Danes, to place themselves in a position in which they may have to carry arms against their fatherland. Nothing is done to bring the Constitutional disharmony nearer to a final realization. The prospect of a settlement of the disputes disappears more and more. It is allowed that earnestness and care were bestowed on the proposals with respect to a Constitution, in which the late Assembly thought it had gone to the extent of the possible, but two lines suffice for the Government to lay them aside as unacceptable.

But, without a single word of explanation or reasoning, new proposals have been made by the Government, the basis of which has already been firmly rejected by the Assembly in their said Report. Even the little which is offered to us, not even that is the result of His Majesty the King's love to the Duchies. That which the Assembly, in its last meeting,

had to regret, is again repeated in the Royal communication, namely, that only the circumstance of pressure from without has caused the present proposals.

Even the Government have, under these circumstances, admitted that Holstein required a better guarantee for the security of its interests than the hitherto-existing relations insure. They have laid before the Assembly projects of laws concerning the provisional state of the Duchy of Holstein respecting the common affairs of the Monarchy, the examination of which now rests with the Committee. Such guarantees are not only necessary to protect the country against the worst wrongs, but Holstein has also an unquestionable right to claim them. When, in conformity with the Royal Proclamation of January 28, 1852, the union of the Duchies in common with the kingdom in the most important political affairs, and the separation of the two Duchies, have, in fact, been accomplished, even beyond what was stipulated, then Holstein is entitled to demand that, as long as this state of affairs continues, the obligation in return imposed upon His Majesty the King should, at least in some measure, be fulfilled, and that it be placed in a position somewhat in accordance with the promises given.

The petitions of the Assembly of Holstein during its last session, respecting the provisional regulation of the common affairs of the Monarchy, and the demands in the Federal Resolution of March 8, 1860, are based on the aforesaid principle of justice, which the German Confederation has recognized, and for which reason it has interfered. They do not exceed the principles laid down in the Royal Proclamation of January 28, 1852.

Holstein has, in conformity with this Royal Proclamation, a right to claim independence and right of equality, uniform with those enjoyed by the other portions of the Monarchy. In accordance with this right, the Duchy can claim that its representation be entitled to take part in the legislation of all matters which it has in common with Schleswig and Denmark as a factor possessing equal rights to those of the representation of Denmark and Schleswig. Holstein can, in accordance with the said Proclamation, insist that the ties which bind it to Schleswig shall not be severed more than has already been done; that Schleswig shall not be bound to Denmark by closer union. In accordance with this right Holstein can claim that all political matters which Schleswig has in common with Denmark shall in future, as hitherto, also remain in common with Holstein. When the Assembly of Holstein, in consequence of the circumstance that the Council of State, suspended as regards Holstein by the Royal Patent of November 6, 1858, *de facto* exists for Schleswig and Denmark, has not availed itself of the occasion to forward special petitions, it is because it thought it prudent to keep within the boundary, which indisputably is subject to the authority of the Confederation. It has not thereby acknowledged the legality of the Council of State. On this point it has deemed it advisable to claim something less than the right to which Holstein is entitled, because the connection of Schleswig with Denmark, through the Council of State, and by the Constitutional Law of October 2, 1855, is only a formal one, and because it feels sure that, so long as Holstein does not in reality withdraw from the union, it affords some protection to the independence and equality of rights of the Duchy of Schleswig, which are threatened by the Council of State. The Assembly cannot lend itself to an understanding by which Holstein, wholly or in part, should be excluded from the union, so long as it exists between Denmark and Schleswig, so much the less so as thereby the relation of Holstein to Schleswig would be severed to a still greater extent, whereby the prospects of the accomplishment of the most sincere wishes of the Assembly—the re-establishment of the old union—would be removed to a more distant period.

Upon these principles, from which the representation of Holstein cannot deviate, is based the position which it has to take with respect to the proposals of the Government.

The proposal admits that, during the provisional state of affairs, the Representatives of Holstein must be guaranteed a co-operative influence in the legislation of the common affairs of the Monarchy. But whilst the petitions of the Assembly, and the Resolution of the Confederation of March 8, 1860, have demanded this co-operation with regard to the entire common legislation, the proposal confines it to—Changes in the legislation, concerning the taxes and duties in the Duchy of Holstein belonging to the common Treasury; the Royal domains situated in Holstein; the Customs; the Eider Canal dues; post and telegraph matters, and the Mint in the said Duchy: changes in military laws respecting a separate division of the army, to be formed by recruits from Holstein; alterations in the present plans for recruiting the army and navy, and with regard to provisioning the same; sanctioning expenses of the Holstein division of the army, and of some local branches of the Common Administration, in so far as these expenses exceed a certain normal Budget; also the other branches of the Common Administration, provided the amounts required exceed a certain sum, stipulated in the proposal.

While, according to the proposal, the administration of the hitherto common affairs continue to be common, a separation of Holstein in the Legislation takes place to a

considerable extent, and this mainly with reference to such matters in which the principal question is about local interests existing in common between Holstein and Schleswig. Also, with respect to the Administration, a future separation has been kept in view, as it is reserved to the Government, when the Council of State and the Assembly of Holstein cannot come to an understanding in matters where such appears necessary to the Government, with the sanction of one of these Assemblies, completely to dissolve the unity ("Gemeinschaft") to such an extent as will be the necessary consequence thereof. The danger that this will soon take place is by no means distant. Deviating resolutions will soon follow, and it is well known how much the party which has a decisive influence with the Government and in the representation of the Monarchy is disposed to sacrifice Holstein in order entirely to gain Schleswig.

As little, therefore, as the proposal holds to the given principle respecting the common union ("Gemeinschaft"), just as little does it carry out, not even approximately, the principle of equality of rights and independence. The competency of the Council of State extends, with the exception of the financial sanction of some particular expenses, in future, as formerly, to the entire legislation in all common affairs; while only to a limited extent certain fixed branches of them are subordinate to the Assembly of States, and respecting these the Government have come to the conclusion that they concern the special interests of the Duchy. Also in those matters where the Assembly is allowed a competency, it is much more limited than that of the Council of State. We shall here point out the most important points, viz., the Normal Budget, which forms the limit of the right of voting of the Council of State, is fixed by the average sums voted for the financial periods from April 1, 1853, to March 31, 1856, and so sparingly calculated that the right to sanction any additional sum gives the Council of State a very considerable influence with the Government, while, as regards Holstein, the Normal Budget, as well as amounts required to cover expenses of the common affairs, calculated in a round sum, are regulated by the average sum voted for the financial periods from April 1, 1856, to March 31, 1860, and are so much higher that the Holstein States can scarcely be called upon, for some time to come, for further additional sums.

In accordance with the Constitutional Law of October 2, 1855, the revision of the State Account will, as soon as the proposed establishment of a Council of Accounts has taken place, be made in accordance with a law approved by the Council of State, whereby the Council is secured a direct and important control with reference to the actual requirement and the employment of the amounts sanctioned, while this account is only to be laid before the Assembly of States for its Report on it. No recruiting of men to the army can take place without the sanction of the Council of State, while the Assembly of Holstein will only be allowed a right of sanction when the hitherto-existing plans for recruiting are changed. With the exception of the said right of sanction, no influence whatever is given to the Assembly of Holstein in the Legislation respecting the navy and the military institutions, or in questions touching the National Debt. The Ministers for the Common Affairs are responsible to the Council of State, but not to the Assembly of Holstein.

We do not think we say too much when we declare that Holstein, if the provisions in this Royal proposal were executed, would be placed in the same position as a province which, according to the principles adopted in Colonies, has to cover its own special expenses, and, independent of this, contributes a fixed regulated sum to the total expenses of the State, without enjoying the most important higher political rights.

As consequently the Draft in question is not of such a description that the Assembly, on the basis of the same, can enter into any negotiation with the Royal Government, the Committee do not consider it their duty to lay before the Assembly a detailed criticism of all the paragraphs. They believe it, however, to be their duty to call attention to some points which are calculated to complete the above picture of the character of the Draft.

The financial result of the proposed resolutions cannot be properly understood from the proposal, inasmuch as a very considerable portion of the expenses which, in accordance with the Draft, would fall on Holstein must first be regulated. In it the average amoun of the sums voted for the financial periods from April 1, 1856, to March 31, 1860 are certainly taken into consideration, but the individual columns of expense may, accordance with the Draft, be posted in different manners. The reason why the Norma Budgets have not as yet been laid before the Assembly can only be accounted for by the difficulty of the labour connected with it. But independent of this it is clear that in the Draft sufficient regard has not been paid to the financial interests of Holstein.

The financial institutions, which were made under the partial influence of the Representation of the Kingdom, were repeatedly complained of, particularly in the Reports of the Assembly of September 12, 1857, and of March 10, 1859, by which, according to the opinion of the Committee, it is clearly shown that the finances of Holstein have been over-

charged. But in preparing the Draft very little notice has been taken of the remarks of the Assembly; the institutions complained of form the basis, in principle unchanged, for the proposed regulation of the financial relations.

The principles for the separation of the common from the special revenues and expenses are the same. The revenues of the Domains are now, as earlier, calculated as common, and it is only proposed that a fixed payment should be made to the common Treasury in place of the actual revenue of the Domains of Holstein. The views of the Assembly that the revenues of the Domains should be employed to defray the public expenses of the country where situated, and the contribution to the Civil List and to the Appanages should be taken from other State-revenues, have not been entertained. The reiterated opinion supported by the Holstein member (M. Springer) of the Commission appointed to investigate this matter that Holstein was annually deprived of considerable sums through an erroneous posting of certain revenues under the head of "Income of the Domains," has not been noticed. The Government have, after the declaration of the majority in the said Commission in the Ordinance of September 24, 1859, confined themselves to changing the entries and calculations of several revenues and expenses respecting the Domains of Holstein; the result of which is that a sum of 224,000 rix-dollars is set aside as income for the financial periods 1860-62, while at the same time a similar sum is set aside for expenses, so that the two entries balance each other. Neither is there taken any notice whatever of the bad arrangement, several times complained of, that by the introduction of distillery duties, and a considerable rise in the Customs Tariff in the Duchies, as also, on the other hand, by abolishing the Excise and Mill dues, and by the reduction of the Customs Tariff in Denmark, the financial relations of the different portions of the country were, to the great detriment of Holstein, disturbed when the union of the provinces on the system of the Whole State was established according to the Ordinance of October 2, 1855. Only in one instance is a proposal in the Draft, based on the Ordinance of September 25, 1859, made in favour of the Duchy of Holstein.

Instead of the former rather arbitrarily fixed quota-payment of 23 per-cent. of the Duchy to the common expenses, there is now, with regard to the number of inhabitants, fixed a quota of 21·64 per cent. But with reference to this must be observed that, in conformity with the evidence in the Report of the Assembly of March 10, 1859, the proper quota would, according to the last census and the taxable population, only amount to 20·75 per cent. It ought therefore to be observed by the Assembly, that the proportionate contribution hitherto only related to the amounts due from the different portions of the country to the common expenses, while, according to section 12 of the said Draft, there will also in future be adopted a proportionate quota with respect to the common revenues of the Monarchy. But the fixed payment of 640,000 rix-dollars in lieu of the revenues of the Domains of the Duchy will, on an average, amount to about 35 per cent. of the surplus of all the Domains of the Monarchy. Respecting the revenues and expenses of the Customs, the public State Account for the two last financial years shows that the Duchy of Holstein has, after deducting 21·64 per cent. for the common administrative expenses and those connected with the local administration of the Duchy, during the year before last, under this head contributed to the common expenses 24·69 per cent., or about 213,000 rix-dollars more than the amount of 21·64 per cent. of the total sum, and during the last year 24·13 per cent., or about 186,000 rix-dollars more than the said amount. Thus the object of the Draft is, that Holstein shall in future continue, as has been the case several years, to contribute a larger sum to the common revenue than will be reimbursed to it.

As according to the opinion of the Committee the approval of the Draft is out of the question, the Assembly will not be able to make any practical use of these observations, but it must confine itself to protect the demands of the country by refusing payment of sums equivalent to the amounts overpaid during past years.

The practical feasibility of the regulations in the Draft must also be doubted by the Committee. With regard to the Provisorium, resolved upon by the Confederation and desired by the Assembly of Holstein, the Government have expressed the fear that an important Draft of a Law might easily be lost in consequence of disagreement between the two Assemblies. This fear disappears, no doubt, altogether by the present proposal, inasmuch as it excludes the competency of the Holstein Assembly in nearly all the most important cases, and further, if need be, holds out a prospect of a solution of the unity ("Gemeinschaft"). But the Committee believe that the artificial system of the Draft by which the Government have endeavoured to preserve the common affairs, that is, the formal common affairs, and yet separate them in matters of importance, will not only be more complicated to work, but in practice will cause difficulties and great uncertainty with regard to the present state of relations.

In order to prove this by an example, the Committee will here briefly mention those

points in the Drafts relating to the Customs. According to section 1 it shall continue under the common administration of the whole Monarchy. According to section 2 changes in the legislation concerning the Customs in the Duchy of Holstein shall only be made with the sanction of the Assembly of the Duchy. As the Customs of the Monarchy are common for all, it follows as a general rule that a change of the Law respecting Customs in Holstein cannot be made without affecting the interests of the other parts of the Monarchy in such a manner that a relative change must also be made there. Where this is the case the law decided upon shall not be issued before the Council of State has taken a similar decision. In order to adjust possible deviations in resolutions, combined Committees are suggested. If they do not agree, then, as already mentioned, it is reserved to His Majesty, together with the approving Assembly, to effect the proposed change in the portion of the Monarchy concerned, to dissolve the commonship, and to make the consequent administrative arrangements; these, where the change concerns the Tariff, can scarcely consist in anything but the formation of a Customs border between the Duchies of Holstein and Schleswig.

But still more complicated are the resolutions concerning the army. According to section 1 it is also to come under the common administration. The army shall now, as hitherto, remain as one; the Federal Contingent is not to be formed of the recruits of Holstein, and it is not to be separated from the rest of the army. But respecting the expenses connected therewith a separate division is, in accordance with section 3, to be formed of that portion of the army which is recruited in the Duchy of Holstein, and its expenses are to be defrayed from the special Treasury of the Duchy. If these exceed the fixed Normal Budget, the Assembly is authorized to sanction them; but nothing is said respecting those Holsteiners who are recruited to serve in the Royal Guards, the Artillery, &c., and who do not belong to the separate Army Corps, neither does the draft say anything about the Lauenburg recruits in the 14th Battalion, which also contains Holstein recruits. A consequence of keeping the Army united in one is, that the Duchy of Holstein, in accordance with section 11, has further to contribute a proportionate sum to the military institutions, which, after the formation of a separate division of the Army, also become common. Nothing is said as to the nature of these institutions, but it is scarcely the intention of the Government to meet the wishes of the Assembly, as expressed in its Report of March 10, 1859, respecting the foundation of a separate military school with German instruction-language; if so, the minutes to the Draft would doubtless have contained something to that effect. The Assembly of Holstein is excluded from participation in the legislation as regard those institutions; but the changes in the legislation, in so far as they concern the separate division of the Army, can only take place with the sanction of the Assembly.

The Committee must admit that in such complicated proposals they recognize more the elements of a dissolution than of a fortunate understanding. They, therefore, maintain the conviction that preference must be given to the Provisorium desired by the Assembly, which unconditionally preserves that which is held in mutual participation in the common affairs, and would serve to bring the Legislation and the Administration into the same position as in those countries where two Chambers stand *vis-à-vis* to the authority of the Monarch, and this the more especially when the possibility of the system laid down in the Draft, to which no analogy is to be found in the Legislation of any other country, is considered. An understanding between Representations will always be obtained where the interests of the different countries do not essentially differ. The false position referred to by the Government will only take place in such cases where reconciliation of the different interests is impossible. The foundation of such false position is not to be sought in the proposals made by the Assembly, but in the complicated relations of the Monarchy, and in the basis on which these are regulated; and it must also be sought in the fact that the Duchies have a right to insist that their interests are to be upheld when they differ from those of the Kingdom; while, on the other hand, they are, nevertheless to be strongly united in commonship with the Kingdom.

If the difficulties which no doubt will result from this should be removed, then Holstein must be entitled to claim that this be not specially done at its expense.

The Committee can, therefore, only strongly advise the Assembly to refuse to enter upon the proposals in the draft of law respecting the provisional state of Holstein with respect to the common matters of the Monarchy.

The Assembly will have seen from the Royal communication that the Confederation, in its Resolution of the 7th February this year, has threatened an Execution in case the demands of the Confederation are not complied with within a given time.

The Assembly can only regret that such a mediation has become necessary between it and its Royal Duke. But it must seek a justification in the fact that the Representation

of the country has at all times been ready to offer a hand to reconciliation. And it looks forward to the future with the greater confidence as Holstein, at least as regards its principal demands, is supported by powerful and effective protection.

III. The Committee now turn their attention to the examination of the draft of a law of a Constitution for Holstein. Drafts of laws for a special Constitution for the Duchy have several times been laid before earlier Diets. Their acceptance have as often been rejected, because a Constitution for Holstein, under our complicated state of affairs, is impossible, so long as the position of Holstein to Schleswig is not settled. This has not yet taken place. The Committee have, consequently, been obliged to reject the proposals also this time. On the other hand, our political state in the interior is also intolerable: the arbitrary conduct of the police, sanctioned by the Constitution of the 11th June, 1854, which is not improved in practice; the restriction in the right of petitioning; the want of a right to hold public assemblies or form public societies; the abuse practised by the authorities, with reference to the law on the press, by which they, *de facto*, exercise censorship; the limited provisions with respect to elections to the Diet;—all this tends to make a change so much the more necessary that the Committee have been obliged to seek another expedient. They believe they have found such a one.

The Assembly has reason to hope that a provisional arrangement of the position of Holstein to the other portions of the Monarchy will soon be established in conformity with the prayers of the last Diet, and in accordance with the Federal Resolution of the 8th March, 1860. Provided this takes place, there is no reason why the Assembly should not consent to a new regulation of the special Constitutional position of Holstein for the period while the Provisorium lasts. But even temporarily this can only be done under the said reservation, because many provisions necessary to be made for such a Provisorium, as those in sections 1, 2, 16, and 17 of the Draft, require, as a necessity, resolutions as to the position which Schleswig is to hold to Holstein and to Denmark, and would, if accepted without such reservation, sanction the existing state of affairs, which the Assembly cannot approve. Provided this uncertainty be avoided by the means pointed out by the Committee, then the communicated draft offers an opportunity to do away with many abuses, though it still requires modification to afford the inhabitants of the Duchy civil liberty. The Committee have, in their amendments, made all possible allowance for difficulties, and have given way on some points in the draft, to avoid opposing the emanation of the law.

With reference to the details the Committee have to observe:—

1. The heading must be "Provisional Law respecting the Constitution of the Duchy of Holstein."

2. In the position which, according to the views of the Committee, belongs to the said law as a merely provisional arrangement of the special affairs of Holstein, the question respecting the hereditary succession to the Crown does not appear adapted to be referred to in it. During its former meeting the Assembly in its Report stated that it had not sanctioned the Law of Succession of the 31st July, 1853. When, therefore, it is said in the Minutes to the communicated draft that such a reservation is unimportant, the Assembly must, according to the opinion of the Committee, feel bound again to call attention to the fact that the Law of Succession to the Throne has only been laid before the Danish Diet for resolution, and been accepted by that body; while, as regards the Duchies, it has merely been issued by the King, without their Representatives having had any share in its promulgation.

3. If the Assembly should accept the views of the Committee with respect to the draft, the declaration in section 1 to the effect that the Duchy of Holstein forms an independent portion of the Danish Monarchy, and has its own Legislation and Administration with reference to special affairs, must be withdrawn (however important such a clause might be in a definitive Law of a Constitution), as every such declaration, with reference to the definitive organisation of the Constitutional affairs, appears uncalled for in a merely provisional law.

4. Not to offer any great difficulties to the establishment of a regular provisional state of affairs, the Committee deems it necessary that the existing disputes, regarding limitation of the special and the common affairs, be allowed to remain in abeyance for the present. They do not consider this of much importance, as there is only a question of a temporary arrangement. But they deem it necessary that the Assembly in its report makes a special reservation with reference to a later further organisation, as promised also in the Federal Resolution of the 8th March, 1860, and specially protested against: that the administration of the Domains only is to be considered under the head of special affairs here, while the Assembly repeatedly has notified that it also demands the income from them as special

for Holstein. In accordance herewith the expression "the special affairs are" must be avoided in the actual Law.

5. In the passage referring to recruiting, the words "existing plans or the" must be struck out, as the Provisiorum for the common affairs, which the States have called for, and the Confederation has resolved upon, will make every act of recruiting, consequently also recruiting according to existing plans, dependent on a Resolution of the State.

6. It is to be presumed that in enumerating the special affairs in § 1, it has been the intention of the Government completely to adopt the present practice. It is probably, therefore, a mistake that the question of pilots, as was already earlier the case in the Patent of June 23, 1856, and in the draft laid before the States during their last meeting, is entirely ignored, though until now it has belonged to the Ministry for Holstein, and has been treated as special for that Duchy. The Committee propose in the said enumeration, after the words "questions respecting canals and harbours," to add, "matters concerning pilots, in so far as they have hitherto been treated as special affairs for Holstein."

7. In the Draft, as well as in the hitherto existing Law of a Constitution of June 11, 1854, the special affairs of the Duchy, and those which, in accordance with the Patent of January 28, 1852, are common for Schleswig and Holstein, are separated, and in a manner that, with reference to the latter, when the increase of fixed expenses is not concerned, the States have only a deliberative competency. This does not correspond with the contents of the Royal communication, which promises the States-Representation in each of the Duchies a resolving vote with reference to "those questions" which have hitherto come under the consideration of the deliberative Provincial States. For important reasons a change at present is required. When that Provisorium which the Assembly has asked for, and the Confederation resolved upon, comes into operation,—and this is, according to the proposal of the Committee, the basis of acceptance of the Draft in question,—then in all common affairs of the Monarchy, the Representatives of Holstein on the one hand, and those of Schleswig on the other, will possess a resolving competency, in such a manner that no law can be made, changed, or rescinded without the consent of both parties. A simple consequence of this will be, that in like manner the Representatives of both Duchies are given a resolving competency in affairs common for Schleswig and Holstein. As these affairs, in accordance with the Royal communication, are to be treated by the Ministers for Schleswig and for Holstein and Lauenburg as colleagues, it follows that the signatures of both Ministers to all Ordinances concerning such affairs will be required, and for such Ordinances the Minister for Schleswig must be responsible to the Schleswig States, and the Minister for Holstein and Lauenburg to the States of Holstein. But in the present draft of a law which only concerns the interior Constitutional affairs of Holstein, the decisions corresponding herewith can only be admitted in so far as they concern the Minister for Holstein and the rights of the Holstein States to vote.

In consequence of the great importance of some of the affairs coming under this category, the Committee desire to lay particular stress on the change in the decisions which concern them. The Committee confine themselves to call attention to the complaints which the University during the last session laid before the Assembly, which will serve as evidence that the Constitutional protection which States with resolving powers can afford, in this instance is a positive necessity.

8. Here follow a number of special amendments with regard to the separate Constitution, the most important of which may be thus enumerated:—

(1.) Until the establishment of a tribunal which has the power of settling disputes as to competency between the Administration and the Courts of Law, the Draft decides (§ 7) that such disputes shall be settled by the Privy Council. The Report proposes that the Courts of Law shall settle every question as to the limits of the authority of the Administration.

(2.) To paragraph 8, which refers to the principle of liberty of expression, and promises a new press law, the Committee propose to add:—"Concessions to printing establishments, booksellers, and the issue of newspapers or other printed periodicals, can only be withdrawn for abuses in accordance with judgment of the Courts of Law."

(3.) In paragraph 9 of the Draft, which refers to the liberty of forming associations with legal objects in view, the Committee propose to exchange the word "citizens" for "all the inhabitants of the Duchy;" and they desire added, with reference to the liberty of associations:—"All the inhabitants of the Duchy are entitled, unarmed, to hold public meetings having a legal object in view: the police have the right to be present at public meetings. Popular meetings in the open air are not allowed without permission from the police."

(4.) The majority of the Committee accept the principle expressed in § 11 of the Draft—equality of persons professing different religions, but are of opinion that restrictions

are required which can only be made by a special law; and until this has been issued the present rule is to remain in force, in such manner that, for instance, right of voting and of being elected remains confined to those professing the Christian religion, thus excluding Jews from participation in such rights. The minority proposes to reject § 11 altogether, and ask for a special law with respect to the rights of different concessions.

(5.) In § 13 it is proposed to add the condition that the States are to assemble every alternate year, in the latter half of the month of January.

(6.) To § 15 it is proposed to add that provisional laws cease to exist, if they be not laid before the first Assembly of the States after their emanation, and that they, when laid before the States, are to be called provisional.

(7.) As the army is common for the whole Monarchy, and as the Federal contingency is an inseparable part of it, it is presumed, as a consequence, that all expenditure on account of the army, also on account of the Federal contingency, is to be considered as common, and it is considered unjustifiable that the Special Treasury of Holstein has been charged with a portion of the expense incurred on account of mobilisation of the Contingency in 1859. To make the question clear, the Committee propose to add to § 16— "The expenses incurred for the purpose of fulfilling the duties towards the Confederation are to be disbursed by the common Treasury."

(8.) As it is desirable that the special Holstein Budget, referred to in § 17 of the Draft, does not exceed what is absolutely necessary, so that the vote of the States may not be illusory, the Committee propose that the preliminary special Budget shall be settled in accordance with the average of the financial years 1853-56, and not with that of the years 1856-60. To prevent mistakes, the Committee desire added, that the share of Holstein to the common expenses of the Monarchy is to be voted in accordance with the same rules as those applicable to the common Budget.

(9.) To § 23 it is proposed to add, that judicial condemnation for acts considered in public opinion as disgraceful, alone can deprive a person of his right of election.

The Committee propose:—

"That the Assembly, under the presumption and for the event that the Provisorum, suggested by the Assembly during its last session, and resolved upon by the Confederation under date March 8, 1860, with reference to the position of Holstein to the other portions of the Monarchy as regards common affairs, comes into operation, will approve of the proposed law as provisional, with the amendments suggested."

IV. At the stadium at which the negotiations between the Germanic Confederation and the Royal Government have arrived, petitions from the States to the Confederation, which otherwise must probably in duty have been presented, will only serve to cause further difficulties. The Committee deem it a duty not to recommend to the Assembly to present such petitions. But they consider it desirable that the Federal Assembly, by a direct communication from the Assembly of States, be made acquainted with the views entertained as to the present state of affairs, such as is made evident through the Representation of the country. They therefore pray that the Assembly will authorise the President to bring under the notice of the Federal Assembly the humble Report of the Committee, together with the proposals on which it is based.

(Signed) E. VERSMANN.
W. H. BOKELMANN.
CH. MANNSHARDT.
EMIL RANTZAU.
THEO. REINCKE.
ADOLPH BLOME.
TH. LEHMANN.
PREUSSER.
O. RANTZAU.
P. WETT.
WYNEKEN.

No. 19.

Mr. Paget to Lord J. Russell.—(*Received April* 8.)

My Lord. *Copenhagen, April* 4, 1861.

M. HALL has just communicated to me the instructions to the Royal Commissioner, which are to be read by him this day to the States of Holstein. A translation is herewith inclosed.

I cannot help feeling some disappointment on perusing them, for instead of being clear and precise, as I had been led by M. Hall to expect they would be, they strike me as being couched in the same confusion of language which but too generally characterizes all the communications of the Danish Government to the Holstein States and to Germany. Their substance agrees very nearly with what M. Hall told me at our recent interview, but there is a difference in the form which I think not likely to be advantageous. Instead of a distinct declaration, as I had been led to expect the instructions would contain, that, "à moins d'un obstacle insurmontable," the vote of the States would be sanctioned by the King, a hope is expressed that the vote of the States may be such as not to make it impossible for His Majesty to sanction it, in which case the Budget voted by the States would replace the Royal Ordonnance of September 23, 1859.

There is no doubt if the States had confidence in the Government, and were anxious to meet it half-way, this document might be taken as a concession to their wishes; but as the reverse is the case, I doubt much if it is likely to produce any good result.

As the messenger is on the point of starting, I have only time to add that M. Hall does not himself appear to have any hope that the States will be satisfied with the present communication.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 19.

Instructions addressed to the Royal Commissioner to the Holstein States.

(Translation.)

THE Royal Commissary has been instructed to make the following declaration:—

When the Government decided to make proposals to the States respecting the provisional regulation of the position of the Duchy of Holstein, with regard to the common affairs of the Monarchy, these proposals, containing financial rules only calculated to come into operation in a future financial year, were at the same time intended to give the States an opportunity, by a special resolution, to vote upon the Budget of the financial year 1861-62 for the common affairs, so far as they concerned the Duchy of Holstein. This was effected thereby, that the Royal Resolution of September 23, 1859, by which the contribution of Holstein to the different principal common expenses was fixed, was inserted in section 13 of the Draft. By the insertion of the said Resolution in the proposals, it was laid before the States for discussion and resolution, to as great an extent and with the same effect as the other provisions of the proposals.

Though the supposition upon which the Government acted, by insertion of the Resolution of September 23, 1859, in section 13, would be considerably changed if the States did not accept the other and principal provisions of the proposals, yet this circumstance, however much regretted by the Government, would not, after what has already been communicated to the States by the earlier Commissary, make any change with regard to the opportunity once given to make the provisions of the said Resolution the object of discussion.

The States can consequently now, as before, while they closely examine the different amounts mentioned in the Royal Resolution, demand every explanation respecting the different sums of which the total amounts are composed; and the Royal Commissary has already received, through the Ministry of Finance, such *exposés* as may prove useful for the purpose, and he will further be placed in a position to give all explanations that may be called for. With the assistance of these materials, which will entirely be placed at the disposal of the States, they will be in a position thoroughly to judge of the financial requirements, to discuss the same, and finally to accept, or, in particular points, modify, the sums fixed as the quota of Holstein in the common expenses or revenue, as set forth in the Resolution of September 23, 1859.

That the result of such vote, taken together as a whole, will form the proposals of the Assembly for the regulation of the Holstein Budget for the financial year 1861-62, for the common affairs, and as such will be laid before His Majesty. It must not be accepted that the States, to whom in no way belongs any Constitutional right of discussing the Budget, not even that for the special affairs of the Duchy, can be entitled by the existing differences between the Royal Government and the German Diet to derive a competence under the present exceptionally allowed discussion on the Budget for the financial year of 1861-62, to act in their resolution in such a manner that insurmountable obstacles should be laid in the way of His Majesty, so that his Royal sanction could not given to their proposals.

Should this, contrary to expectation, nevertheless, happen, then it follows as a matter of course that His Majesty must take such resolutions as the Royal prerogative and duty devolving on His Majesty as Monarch, in the interests of the Government of the country, oblige him to take.

Although the above declaration might be sufficient explanation in every respect, the Commissioner will nevertheless not omit, in reply to the question addressed to the Royal Commissioner in the last sitting of the States by the Report of the Committee, whether a Budget for the common receipts and expenditure of the Monarchy, and indeed for the next financial year 1861-62, would be submitted to the Assembly or not,—to state in so far as concerns the Budget for the whole Monarchy, and consequently the share of the Kingdom and Schleswig in the common expenses and receipts, such Budget is not submitted to the States. Whereas a Budget for the share of the Duchy of Holstein in the common receipts and expenditure of 1860-62 is submitted, and it will be proposed to them to come to a resolution with respect to it, so far as it concerns the financial year 1861-62, which then eventually could be substituted for the Royal Resolution of September 23, 1859.

No. 20.

Lord A. Loftus to Lord J. Russell.—(*Received April* 8.)

(Extract.) *Berlin, April* 6, 1861.

BARON SCHLEINITZ said that there was no desire on the part of Prussia or of Germany to precipitate matters with Denmark.

Nothing could be more pacifically disposed than Prussia and Germany, but if Denmark refused to comply with the just demands of the Diet there was no other course to pursue but that of the Military Execution. The Confederation, however, was not anxious to push matters to an extremity. Even at this moment, although the term of six weeks had elapsed without a reply from Copenhagen, no further steps had been taken, nor would they be taken until the result of the endeavours of Denmark to come to an arrangement with the States of Holstein was clearly made known.

Baron Schleinitz observed that the Execution was not, and need not be, considered a *casus belli*. It was more an act of a legal nature. But Denmark was making great military preparations, and seemed determined to regard it in the light of a *casus belli*.

I here mentioned to his Excellency the danger which might arise from the Execution, even though it should not be regarded as an act of war. I referred to the disputed frontier, and I stated that if an Execution were to lead to the occupation of the disputed frontier, a war would infallibly ensue with Denmark, the consequence of which might be fatal to the general peace of Europe, and for which Germany would be responsible.

On my referring to this point, Baron Schleinitz said that he thought that some arrangement might be come to whereby the disputed frontier should not be occupied by either party, on the condition that the abstaining to do so would not hereafter prejudice the validity of their respective claims.

In referring again to all the dangers which might arise to Germany from a war with Denmark, and in urging his Excellency to reflect on the consequences which might arise therefrom, Baron Schleinitz replied that if the dispute now at issue were to assume such a character as to menace a war, and that the Military Execution should be regarded in the light of a *casus belli* in lieu of being a legal enforcement of the decrees of the Diet, then it would become a subject for further consideration and reflection. It would no longer be a question of sending a handful of soldiers—it would assume different proportions, and it would require an army on a large scale; under such circumstances, his Excellency said, we should have to consider and reflect on the course to be pursued.

From the foregoing, which I consider to be an important confession on the part of Baron Schleinitz, your Lordship will perceive that the Prussian Government are awakening to the dangers which may menace Prussia and Germany by rushing heedlessly into a war with Denmark. I feel confident that the Prussian Government do not desire or meditate any such eventuality, but unfortunately they do not appear hitherto to have calculated with sufficient accuracy the ulterior extremities to which their policy may lead them. On the other hand, I believe that they are really and sincerely anxious to come to an amicable arrangement with Denmark, which will satisfy the national honour, and meet the just requirements of the Diet.

No. 21.

Lord A. Loftus to Lord J. Russell.—(Received April 8.)

My Lord, *Berlin, April 6, 1861.*

I HAVE had the honour to receive your Lordship's despatch of the 30th ultimo, in which your Lordship instructs me to give explanations on certain points in dispute between the German Confederation and the King of Denmark.

After enumerating the two requirements of the German Confederation, namely, that the quota of contribution to be paid by Holstein for the common expenses of the Monarchy, as well as the sums necessary for the local expenditure of Holstein, should be submitted to the deliberative vote of the Holstein States; and, secondly, that the laws which bind the whole Monarchy should be submitted to the States of Holstein, and obtain their assent, before they can become binding so far as Holstein is concerned, both of which requirements appear to Her Majesty's Government to be just and conformable to Constitutional principles, your Lordship passes to a third point, on which there appears to exist some doubts, namely, as to whether the demand of the German Diet requires that a law affecting Denmark only, approved by the Rigsraad, shall have the validity of law, unless it is laid before the States of Holstein for their information, although not for their consent.

With respect to the two points first enumerated, I have only to remark that they contain a clear and faithful exposition of the demands of the German Confederation.

The case stands in a few words as follows:—

The common Constitution for the United Kingdom published in 1855 having been annulled as regards Holstein and Lauenburg on the 6th November, 1858, at the demand of the Diet, who, in the Decree of the 12th August, 1858, declared that Constitution to be in violation of the Agreement of 1851-52, and the Danish Government having interpreted the cancelling of this Constitution as investing (during such time as a new Constitution should be agreed upon) the King-Duke with absolute authority over the Duchies (the Ministers for Holstein being made responsible only to the King-Duke for their acts), the States of Holstein in March 1859 claimed that until the Constitution could be definitively agreed upon, that is, during the so-called "Provisorium," the Ministers for Holstein should be made responsible to them, *i.e.*, that they (the States) should, during such "Provisorium," assume in regard to Holstein the functions which the Rigsraad exercised as regards Denmark.

The German Diet in their Resolution of the 8th March, 1860, recognized this as a just claim on the part of the States, and made the suspension of the Execution already threatened in August 1858 conditional upon Denmark's admitting the right of the Holstein States to give or withhold their assent to all laws on the common affairs of the Monarchy, laws touching financial matters being specially included.

On the other hand, the Danish Government had published on the 25th of September, 1859, without the assent of the States, a Decree regulating the quota which Holstein should contribute to the common expenses of the Monarchy, and, notwithstanding the Resolution of the Diet of the 8th March, 1860, proceeded in July 1860 to publish, in accordance with the Decree of the 25th of September, 1859, equally without its having been submitted to the States, a further Decree fixing the quota to be paid by Holstein for the financial years from the 1st of April, 1860, to the 1st of April, 1862.

These measures the Diet in its Decree of the 7th of February, 1859, declared to be illegal, and under threat of Execution required of Denmark that it should declare these Decrees as null and void, and that it should submit the Budget for the year commencing the 1st of April, 1861, to the assent of the States of Holstein.

The Danish Government, on the other hand, affirm that they cannot submit a measure to the deliberation of a Representative Assembly which has already been promulgated as a Royal Ordinance, and which bears the Royal sign-manual.

With reference to the second point, Baron Schleinitz has expressly stated to me, as reported in my despatch of the 23rd instant, that although the German Confederation require that the laws which are for the common Monarchy should be submitted to the States of Holstein, and obtain their assent previous to their being valid as far as Holstein is concerned, it is not to be inferred that the rejection of those laws, or any portion of them, by the States of Holstein would affect their validity in the other provinces of the Kingdom.

This leads me to the third point mentioned in your Lordship's despatch. I have specially referred this point to Baron Schleinitz. His Excellency stated to me yesterday, very clearly and categorically, that the inference drawn by M. Hall, alluded to in your Lordship's despatch, is incorrect and erroneous. The German Confederation do not

pretend to impose any condition as to the validity of a law affecting Denmark Proper; all that the German Confederation require is, that all laws for the common Monarchy shall be laid before the States of Holstein, and shall have their assent previous to being valid as regards the Duchies of Holstein and Lauenburg.

Baron Schleinitz observed that this was all that was required by the German Confederation, although he admitted that there was a party in Holstein who went beyond this requirement, and demanded that the Holstein States should have the right of control over laws affecting even the provinces of Denmark Proper; but his Excellency added that the German Confederation would not uphold any such pretension.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 22.

Mr. Ward to Lord J. Russell.—(Received April 8.)

My Lord, *Hamburgh, April 6, 1861.*

I HAVE the honour to inform your Lordship that the States of Holstein met on Thursday after their adjournment, and that yesterday the Royal Commissioner, M. Schulze (who was appointed in the place of the Minister Raaslöff), communicated to the Assembly the answer of the Government to the questions addressed to it by the States in respect of the Budget. This answer was in substance as follows:—

It was the wish of the Government to enable the States to vote the Budget of the Monarchy in so far as it related to Holstein, by laying before them the Royal Patent of September 23rd (qy. 25th), 1859, as comprised in section 13 of the project of a new Constitution, and that the States might still go into the Budget, although they rejected the entire Project itself. Materials for examining the financial estimates would be laid before the States, and it was to be hoped they would not exceed their competence on account of the pending questions with the Federal Diet, as, if so, the King must himself provide for the wants of the country.

To the specific question, whether the Budget for the common receipts and expenses of the Monarchy for the year 1861-62, has or has not been laid before the Assembly, the answer is, that the Budget for the entire Monarchy, comprising the shares of the kingdom and of Schleswig, has not been laid before the States. But a Budget for the share of Holstein in the common receipts and expenses for the two years 1860-62 has been communicated to them, with the proposal to pass a resolution thereon for the year 1861-62, which may then be substituted for the Royal Patent of September 23, 1859.

This answer will of course not satisfy the States, as it does not concede the right claimed by them of a veto, or decisive vote, upon the Financial Budget of the Monarchy, but merely submits to their consideration the share of Holstein, and is therefore not a formal compliance with the demand made upon Denmark by the Resolution of the Federal Diet, dated the 7th of February last. The question of principle is left as open as it was before.

I observe that in a circular of the Danish Minister for Foreign Affairs, M. Hall, dated March 22, and just published, the same decision of the Government is expressed in different words. M. Hall writes:—

"The Budget of Common Affairs for the financial year 1861-62, in so far as it relates to Holstein, will not be laid before the States, for this has been already done by section 13 of the Project, which submits the Patent of the 25th September to their deliberation."

I have the honour to inclose a copy of the above-recited answer of the Government to the States, extracted from a Hamburgh newspaper; and to remain, &c.

(Signed) J. WARD.

Inclosure in No. 22.

Answer of the Danish Government to the Holstein States.

[See Inclosure in No. 19.]

No. 23.

Report of the President of the Council to the King of Denmark, respecting the Holstein Question.—(Communicated to Lord J. Russell by M. de Bille, April 9.)

(Translation.)

IN view of the incalculable consequences which would result from a Federal Execution in Holstein, your Majesty's Government could not but deem it to be its duty to endeavour once more, by negotiations with the Estates of Holstein, to obtain a peaceable solution of the dispute between Denmark and Germany, which, by the Federal Act of February 7, had assumed so threatening a character.

The proposals which, with your Majesty's approbation, were submitted to the Assembly of the Estates, had as object to meet the demands of the Confederation, in so far as compatible with the functioning of the Government, and with the independence of the State. All the Powers, on the preservation of whose sympathy we place so high a value, have recognized in these proposals a sincere effort on our part, which, if met in a like spirit, might lead to an equitable agreement, remove the most pressing danger, and afford the prospect of an ulterior necessary development of the Constitutional relations of the Monarchy being effected in a quiet and legal manner, without interference from Germany. There was, however, one point which especially claimed the consideration of your Majesty's Government. The proposed Provisional Regulation of the position of Holstein in reference to the common affairs of the Monarchy would not take effect before the next financial term. But as it was precisely the financial position of Holstein in the Monarchy for the year 1861-62 which had been the immediate cause of the Federal Act of February 7, it was evident that the difficulty in this respect could only be removed by affording the Estates a proper opportunity for exercising an influence on the Budget of this year. This consideration made your Majesty approve of the Royal Resolution of September 23, 1859, which had fixed the Budget of Holstein for the common affairs of the Monarchy for the financial term 1860-62, being embodied in the concluding part of § 13 of the Provisional Regulation, and submitted thus, in the same manner as the other stipulations contained in this proposal, to the deliberation and decision of the Estates.

The non-German Powers, who also, in the present critical state of things, have shown their interest for Denmark, had previously already exhorted your Majesty's Government to pursue a line of conduct such as above indicated. With reference to the last-mentioned point, their representations were made in a most pressing manner. The Representatives of England, Russia, France, and Sweden, called, on the 1st of March, in a body on me, as your Majesty's Minister for Foreign Affairs, to express the united wishes of their respective Governments that the Royal Government would decide upon the conciliating step of submitting to the Estates the Budget for 1861-62, in so far as it concerned Holstein. I replied, that I was unable to explain the intentions of the Government on this point, as your Majesty would not, before the day after (March 2), decide in the Privy Council on the proposals submitted by the Ministry; but that, as soon as the Royal Resolution was passed, I should hasten to communicate confidentially to the four Envoys the proposals which had been approved. This was done by a note of the 4th of March, which contained the following passage:—

"It will be seen with satisfaction, it is hoped, how the Royal Government has met the wishes expressed to it, by submitting to the Estates, in § 13 of the Provisional Regulation, the Royal Resolution of September 23, 1859."

The attention of the Royal Missions abroad was in like manner, by despatch of the 10th of March communicating the different proposals, "particularly called to the import of § 13, by which the Resolution of the 23rd of September, fixing the common Budget for 1861-62, was, in as far as it concerned Holstein, submitted to the acceptance of the Estates."

The session of the Holstein States had meanwhile been opened on the 6th of March. The choice of the members of the Committee to whom the Royal proposals were to be referred offered already but little prospect of the proposals being received by the Assembly in the same spirit in which they had been made.

Although the Minister for Holstein was present as Royal Commissioner, the Committee, so far from communicating with him, or requesting explanations from him, left him in utter ignorance of its proceedings, and it was therefore not till the 14th that he was able to inform me confidentially that, as far as he could

learn, the Report of the Committee would be for rejecting absolutely the proposals of the Government.

On the 18th the Commissioner transmitted the Report of the Committee, and petitioned at the same time your Majesty that he might be authorized to close at once the session, as it was evident that the discussion of the Report, which was to begin on the 21st, would not lead to any different result from that recommended by the Committee. The Ministry did not, however, think it could recommend such a step, and your Majesty approved of the opinion that no obstacle should be presented to the full and free expression of the opinion of the Estates.

The Report of the Committee took no note whatever of the Royal Resolution of September 23, 1859, having been submitted in § 13.

Although I had seen from a previous communication of the Royal Commissioner, dated the 10th March, that among the proposals which might possibly be entertained, was one to the effect that the Estates should confine themselves to giving their consent to the Resolution of September 23, 1859, being carried into effect for the present year, according to the concluding passage of § 13, and I therefore had every reason to suppose that the Assembly had fully comprehended the meaning of the said stipulation; I could, however, under the complete silence of the Committee in this respect, not avoid fearing that this might nevertheless not be the case, or that possibly it might be supposed that if the Provisional Regulation was rejected, there would no longer be any connecting link for the treatment of the Holstein Budget for the Common Affairs for 1861-62, and that the Assembly might on that ground dispense itself from discussing the subject at all.

Though I had already, in a confidential communication of March 15, expressed to the Royal Commissioner the great importance of calling attention to § 13, I nevertheless deemed it proper again to dwell upon this point in the detailed instruction sent him on the 19th, after the holding of a Cabinet Council, and the same day the Report of the Commissioner was received here.

Finally, in a communication of the 22nd, I repeated that we trusted that, in conformity with the communications he had already received, he would not fail to make it perfectly clear, in the course of the proceedings of the Assembly, that, by the oft-cited section full authority was conferred on the Estates to discuss the participation of Holstein in the Common Budget for 1861-62.

The Royal Commissioner replied on the 23rd that he had already, when the preliminary discussion of the Report of the Committee took place, pointed out the import of § 13, and stated the readiness of the Government to communicate to the Assembly all the information that could be desired with reference to the Royal Resolution of September 23, and that he would again bring the subject forward, though it did not seem that the Assembly would deem itself called upon to treat this matter.

In view of this conduct of the Estates, in which they persisted, in spite of the opportunity afforded them for discussing the Budget of Holstein for the Common Affairs for 1861-62, and also on account of a general misunderstanding of the answer which the British Under-Secretary of State, Lord Wodehouse, was reported to have given in reply to an interpellation in the House of Lords on the subject of the Danish-German dispute, the Ministry for Foreign Affairs thought it proper to address a general despatch to all the Royal Missions, for the purpose of enabling them to remove any doubts which might exist on the subject with foreign Governments.

In this despatch of March 22 it is remarked that there can be no question about submitting to the Estates anything new concerning the common expenses of 1861-62, since the Royal Resolution embodied in § 13 treats of Holstein's full share in the common expenses and revenues, and is already submitted to the free deliberation of the Estates, permitting them not only to accept, but also to amend the different items, as they might deem proper, and to demand full information as to any details, or make these the subject of discussion.

I have thought proper to subjoin this despatch, as it exactly represents what I explained in my conversations on the subject with the foreign Representatives here, and has guided the Royal Representatives abroad in their explanations to foreign Governments; and finally been communicated by me to the Royal Commissioner in Itzehoe, in order that the most complete accord might be attained at all places.

I shall only add, in reference to the interpellation in the House of Lords, that,

according to a Report of the 27th from your Majesty's Envoy at London, Lord Wodehouse had declared "that he perfectly understood that the Royal Government had not been willing to submit to the Assembly a new Budget, but only the Royal Resolution of September 23, 1859, and that he had not either expressed himself otherwise in reply to Lord Ellenborough's interpellation."

In reply to an observation on my part, the Royal Commissioner had, in a confidential communication of the 23rd, declared that he had no occasion for believing that the Estates, in the event of their rejecting all the other stipulations of the Provisional Regulation, would deem themselves precluded from discussing the Royal Resolution of September 23, which had been submitted in connection with that proposal. Though it might be presumed that it was understood that such a circumstance would not affect the authority conferred on the Estates with reference to the Budget, it was, nevertheless, evident that the rejection of the rest of the Provisional Regulation would give to the discussion of the Budget of Holstein for the Common Affairs for 1861-62 quite another significance than it otherwise would have had. Instead of being a matter of only secondary and subsidiary importance compared with the entire scheme with which it was connected merely as a link of transition from the present to the future, this question would, from a mere matter of form become one of reality, be transformed into the chief subject of discussion, and be the only positive result of the deliberation of the Assembly. The effect of this would manifest itself in the extent to which the separate items of the Budget would be drawn into the discussion, and the greater time which would be required for such a deliberation.

That the Royal Commissioner might not feel himself at a loss, in this altered state of things, how to meet a discussion of the subject, I wrote to him on the 24th, at the same time informing him by telegraph of the despatch of my letter, in order that the meeting of the 25th might be postponed till after the arrival of the post. My letter contained the following passage :—

"I am gratified to find that the subject has already, last Thursday, been brought forward by you; but there seems still to be so much uncertainty in reference to it, either affected or real, and it is so very important, considering the manner in which the British Government has expressed itself on the subject in the House of Lords, that there should be no doubt whatever as to the position of the Government in this respect, that I have deemed it necessary again to recur to it, and most earnestly to request you to cause that the relations both of the Government and of the Assembly in this matter be rendered clear. I do not think I can better or more fully furnish you with the explanation which it seems may be required, than by sending you a copy of a general despatch (March 22) on the subject addressed to our Missions abroad. The objection that the Estates had only received 'the empty authority of speaking on the subject,' is quite unfounded. They can take a vote on the subject of the whole Budget as prescribed in the Resolution; they can accept or reject it, just as any other stipulation contained in the Provisional Regulation; they can, besides, take up any particular item of the Budget, go into all its details, and move what amendments they desire; they can even, though they reject all the rest of the Provisional Regulation, alone treat this point as a separate matter, and make it the subject of a Memorial."

And at the close of the letter I added :—

"A sufficient prolongation could have been attained, as you know, and can, perhaps, still be accorded if you should think that anything would be gained by it."

The Ministry could not but suppose that after such explanations the Assembly could no longer have any hesitation about taking up the discussion of this subject, or would at least come to a definitive decision as to whether it would make use of the opportunity afforded it. When, therefore, the Royal Commissioner asked, by telegraph, on the 25th, for a prolongation, the same was at once granted by your Majesty, and he was informed of it by telegraph. Finally, a telegram was received from the Royal Commissioner, on the evening of the 25th, in the following words :—

"In to-day's meeting the Committee requested that the discussion of the 2nd section, which had been closed by the President, might be re-opened, This was done with the consent of the Assembly. The Chairman of the Committee thereupon read a declaration of the Committee on the significance and bearing of the concluding part of section 13, and by which the Royal Commissioner was called upon to give a decided and definitive declaration on this subject. The President joined in the call. I referred to my remarks on a previous occasion, and reserved a fuller

explanation. The President then adjourned the meeting till to-morrow (26th) at 12 o'clock."

Though the Royal Commissioner did not in this despatch ask for further instructions, and I was surprised to find had not followed those he had already received, and though his brief summary of the declaration of the Committee did not indicate in what respect any uncertainty prevailed, I nevertheless deemed it best to instruct him anew, and sent him therefore, that very evening, the following telegram:

"Section 13 gives to the Assembly the same authority in reference to the Budget of 1861–62, as if it had been separately submitted to the Assembly. The Estates can therefore, as explained in my letter of yesterday, with full authority, accept, reject, or amend the various contributions decreed for Holstein. As so much time has been wasted, the Government has, by a communication of to-day, authorized you to prolong the Session. Should the Estates, in spite of this explanation, refuse to discuss the matter, you must make it evident that it is the Estates themselves who have refused the offered opportunity of discussing the Budget."

Although the Royal Commissioner received this despatch before the meeting of the 26th, he, nevertheless, chose not to give any explanation, but to reserve his answer for another time, and took advantage of the prolongation accorded by your Majesty to prorogue the session to the 4th of April, thus leaving in the meanwhile unexplained the doubts which had been raised.

What have been the direct consequences of this are sufficiently known. Having deemed it my duty to lay before your Majesty this succinct statement of what has occurred, I must also, in view of the false interpretations and unjust opinions already expressed on the subject, regard it as highly important that the real state of the case be as soon as possible made public, and I therefore request your Majesty's permission to have this report inserted in the "Gazette."

Copenhagen, April 3, 1861.

(Signed) C. HALL.

Inclosure in No. 23.

Circular Despatch addressed by M. Hall to Danish Representatives abroad.

Monsieur, *Copenhague, le* 22 *Mars,* 1861.

IL vous sera connu que, quelques jours avant la réunion des Etats Holsteinois, les Représentants des Grandes Puissances non-Allemandes firent une démarche auprès du Gouvernement du Roi pour l'engager à soumettre aux Etats le Budget des affaires communes pour l'année financière de 1861-62, en tant qu'il concerne le Holstein, attendu que ce serait là la seule manière d'éviter l'Exécution Fédérale. Je leur répondis que les propositions dont seraient saisis les Etats étaient déjà arrêtées par le Conseil des Ministres et transmises au Roi pour être discutées le lendemain au sein du Conseil Intime d'Etat, et que, l'affaire une fois entrée dans cette phase, je ne pourrais pas leur faire connaître officiellement la teneur du paragraphe qui s'occupait du Budget de 1861-62, avant que Sa Majesté n'eût pris sa résolution, mais que je m'empresserais de leur communiquer les propositions dès qu'elles auraient été approuvées par le Roi.

Vous le savez, Monsieur, le § 13 *in fine* du projet relatif au provisoire soumet aux Etats la Patente du 25 Septembre, 1859, qui avait fixé la part du Holstein dans le Budget des affaires communes de l'exercice de 1861-62.

Qu'on ait soumis aux Etats cette Patente, et non pas un tout nouveau projet de Budget, rien de plus naturel: car, d'un côté, les sommes portées dans cette Patente à la charge du Duché ne dépassent pas ce qui est strictement nécessaire pour satisfaire aux dépenses ordinaires, et elles sont en proportion exacte de celles demandées au Royaume et au Duché de Slesvig; de l'autre, la dignité du Roi ne permettrait qu'une résolution Royale, publiée depuis longtemps, fût mise de côté comme nulle et non avenue, ne gardant pas même le caractère d'une proposition. Mais après tout il ne s'agit que d'une forme; dans la réalité les Etats ont été mis à même de discuter librement la part du Holstein dans le Budget Général. La Patente du 25 Septembre contenant les différents chapitres des recettes et des dépenses, les Etats pourraient demander des renseignements au Commissaire du Roi (auquel avait été adjoint dans ce but un employé supérieur du Ministère des

Finances) sur les articles, et faire entrer de cette manière dans la discussion jusqu'au détail du Budget. Et faisant partie de la proposition, la Patente du 25 Septembre se trouve désormais soumise à la délibération des Etats aussi pleinement que toutes les autres dispositions du projet. Les Etats pourraient donc l'adopter ou l'amender à leur guise, et bien que rien de positif ne soit décidé à cet égard, je crois pourtant pouvoir vous dire confidentiellement que, d'après mon opinion personnelle, le Gouvernement du Roi aurait préféré de renoncer à la quotepart du Holstein dans une dépense commune et se tenir pour ce Duché dans les limites du Budget national, plutôt que de s'exposer à une Exécution Fédérale pour un intérêt proportionnellement si petit.

Voilà, Monsieur, jusqu'à quel point le Gouvernement du Roi est allé au-devant des vœux exprimés par les Puissances. Mais il n'est que trop facile que, dans une question tellement compliquée que l'est devenue malheureusement la nôtre, et surtout lorsque les Puissances croient devoir s'occuper d'un point à un si haut degré spécial et délicat, des malentendus se produisent, et à juger d'après les paroles prononcées dernièrement par Lord Wodehouse dans la Chambre des Lords, le Gouvernement Anglais paraît avoir compris l'affaire comme si le Budget était encore à soumettre aux Etats, tandis que le Gouvernement du Roi a déjà fait à cet égard tout ce qu'il peut faire, en soumettant la Patente du 25 Septembre, 1859, à leur délibération. Je tiens beaucoup à ce que ce malentendu ne se propage pas, et je vous prie, Monsieur, de vous attacher à expliquer à M. le Ministre des Affaires Etrangères et à vos collégues le véritable état de choses. En me résumant je dois donc appeler votre attention sur les points principaux qui suivent :—

1. Le Budget des affaires communes pour l'année financière de 1861-62, en ce qui concerne le Holstein, ne sera pas soumis aux Etats, car ceci a déjà été fait par le § 13 *in fine* du Projet, qui soumet la Patente du 25 Septembre à leur délibération.

2. Cette délibération partant de la Patente susdite, pourrait embrasser tout ce qui concerne le Holstein dans ce Budget.

3. La délibération à laquelle sont admis les Etats sur la Patente est aussi complète que celle sur les autres parties de la proposition Royale.

4. En soumettant la Patente Royale du 25 Septembre, 1859, aux Etats, le Gouvernement du Roi a fait acte de conciliation, mais comme les Puissances ont expressément déclaré que cette déférence de la part du Gouvernement ne tirerait pas de conséquence, le Gouvernement du Roi n'a pas par là créé un précédent qui saurait être interprété à son préjudice dans le cas où l'on ne tomberait pas d'accord sur un état provisoire.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, March* 22, 1861.

YOU are aware that some days before the meeting of the Holstein States, the Representatives of the Great non-German Powers took steps to induce the Government of the King to submit to the States the Budget for common affairs for the financial year of 1861-62 in so far as concerned Holstein, as that would be the only means of avoiding Federal Execution. I replied to them that the proposals to be submitted to the States were already decided by the Council of Ministers, and forwarded to the King for discussion on the morrow in the Privy Council, and that the matter having once attained this stage I could not officially acquaint them with the tenor of the paragraph which related to the Budget of 1861-62 before His Majesty had made his decision, but that I would lose no time in communicating the proposals to them as soon as they had been approved by the King.

You are aware, Sir, that section 13, *in fine*, of the project relative to the provisional arrangement, submits to the States the Patent of September 25, 1859, which fixed the share of Holstein in the Budget for common affairs for the financial year of 1861-62.

Nothing is more natural than that this Patent, and not a new project of Budget, should be submitted to the States; for on the one side the sums assigned to be borne by the Duchy in this Patent do not exceed what is strictly necessary to satisfy the ordinary expenses, and they are in exact proportion to those required from the Kingdom and the Duchy of Schleswig; on the other, the dignity of the King would not allow that a Royal Resolution, published long ago, should be put on one side as void and of no effect, without even preserving the character of a proposition. But after all, this is only a question of form. In reality the States have been empowered freely to discuss the share of Holstein in the General Budget. As the Patent of the 25th of September contains the different

chapters of the receipts and expenses, the States may ask for explanations respecting the items from the Royal Commissioner (with whom has been associated for this purpose a superior employé of the Ministry of Finance), and thus introduce even the details of the Budget into the discussion; and the Patent of 1852, being part of the proposition, is henceforth submitted to the deliberation of the States, as fully as any other arrangements of the project. The States then may adopt or amend it at their will; and although nothing positive has been decided on this subject, still I believe I may confidentially assure you that, according to my personal opinion, the Government of the King would have preferred to give up the quota of Holstein for the common expenses, and to confine themselves, as regards the Duchy, to the limits of the National Budget, rather than expose themselves to a Federal Execution for an interest proportionately so small.

So far, Sir, have the Government of the King complied with the wishes expressed by the Powers. But it is only too easy for misunderstandings to arise in a question so complicated as ours has unfortunately become, and particularly when the Powers think themselves bound to interfere in a matter so peculiarly special and delicate; and to judge from the expressions lately used by Lord Wodehouse in the House of Lords, the English Government appear to have understood the affair as if the Budget was still to be submitted to the States, whereas the Government of the King have already done all that they can do in this respect by submitting the Patent of the 25th of September, 1859, to their deliberation. I attach much importance to this misunderstanding not spreading, and I beg you, Sir, to make it your business to explain to the Minister for Foreign Affairs, and to your colleagues, the real state of things. In recapitulation, then, I must call your attention to the following principal points:—

1. The Budget for common affairs for the financial year of 1861-62, as far as concerns Holstein, will not be submitted to the States, for this has already been done by § 13, *in fine*, of the Project which submits the Patent of the 25th of September to their deliberation.

2. This deliberation, starting from the above-mentioned Patent, may include all that concerns Holstein in this Budget.

3. The deliberation on the Patent to which the States are admitted is as complete as that on other parts of the Royal proposition.

4. In submitting the Royal Patent of the 25th of September, 1859, to the States, the Government of the King have shown a conciliatory spirit; but as the Powers have expressly declared that this deference on the part of the Government would not lead to any consequences, the Government of the King have not thereby established a precedent which might be interpreted to their prejudice, in case no agreement should be come to as to a provisional form of administration.

I have, &c.
(Signed) C. HALL.

No. 24.

COMPARATIVE STATEMENT of the proposed Normal Budget for Common Expenses, as far as Holstein is concerned, to be adopted and go into operation from 1862; and the Budget as fixed for Holstein for 1861–62 by the Royal Resolution of September 23 1859.—(Communicated to Lord J. Russell by M. Bille, April 9.)

EXPENSES.

	Normal Budget (1862).	Royal Resolution (1861).
	Rix-thalers.	Rix-thalers.
Civil List	173,000	173,120
Appanages	80,000	80,081
Privy Council	15,000	14,369
Interest on Public Debt and Amortisation	1,187,000	1,236,293
Pensions (voted separately)	..	292,248
Foreign Ministry	52,000	61,552
Ministry of War (voted separately)	..	925,341½
Ministry of Marine	440,000	424,331
Ministry of Finance	133,000	95,327
Extraordinary Expenses		334,874
	2,182,000	3,627,536
Share of Common Revenue	2,718,656	2,718,656

Annex to No. 24.

(Translation.)

AS the Financial communications mentioned by me at the Session of yesterday have been received by this day's post, I hereby send in the same to the President in compliance with the expressed wish for them :—

No. 1. A statement of Holstein's share in the common expenses and receipts of the Monarchy, according to the Supreme Resolution of the 23rd September, 1859; as also of the part of the Budget for the financial year 1861-62 which is additional to the regular Budget, the whole having reference to the principal accounts.

No. 2. Statements of the distribution of the last-named sums in the separate accounts, as supplements to the statements given under No. 1.

No. 3. A comparative statement showing the result of the sums in the statements given under No. 1.

Royal Commission for the Assembly of the Provincial States, of Holstein, Itzehoe, April 5, 1861.

(Signed) SCHULTZE.

To the President of the Assembly of the Provincial States of Holstein.

No. 1.

The Share of the Duchy of Holstein in the Common Expenses of the Monarchy.

	Determined by Supreme Resolution of September 23, 1859.	Holstein's Addition to the Amounts of the Regular Budget for 1861-62.	Supplements.
	Rix-thalers.	Rth. sg.	
To the Civil List of His Majesty the King	346,240		
To the Appanages of the Royal House	160,162	3,886 67	
To the Privy Council of State	28,738	2,835 4	A.
To the Interest and Payment of the State Debt	2,472,588	÷98,548 92	B.
To the Pensions	584,496	÷18,004 48	„
To the Foreign Department	103,104	5,514 20	C.
To the War Department	1,850,683	214,964 91	D.
To the Marine Department	848,663	102,475 24	E.
To the Finance Department	190,653	6,734 40	F.
To sundries, and unforeseen expenses	669,747	328,048 81	G.
Total	7,255,072	547,905 91	

The Share of the Duchy of Holstein to the Common Receipts of the Monarchy, determined by Supreme Resolution of September 23, 1859, at $\frac{2164}{10000}$.

	Determined by Supreme Resolution of September 23, 1859.	Additional Payment of Holstein to the Regular Budget for 1861-62.	Supplements.
	Rix-thalers.	Rth. sg.	
Surplus from Crown Land Revenues	764,013	19,037 56	H.
Surplus from the Duchy of Lauenburg	108,200	÷11,441 77	„
Surplus from the Danish West India Islands	18,545	8,623 25	„
Interest and payments of the State Credits	355,820	79,107 93	I.
Interest on the Oresund Fund	519,360	259,680 0	„
Surplus of the Eider Canal, Sound and River Dues ..	..	÷447,082 48	„
Surplus from Taxes, Stamps, and Navigation Dues, Distilleries, Recognitions of Commercial Travellers, &c.	3,359,030	50,191 81	K.
Surplus of Post Office and Telegraphs	95,701	31,746 16	L.
Surplus of Lotteries	43,280	5,410 0	„
Sundries	173,363	14,518 41	M.
Total Receipts	5,437,312	9,790 91	

	Totals.	
	Rix-thalers.	Rth. sg.
	7,255.072	547,905 91
	5,437,312	9,790 91
Therefore, Contribution out of the Separate Revenues of the Duchy of Holstein	1,817,760	538,115 0

No. 2.

A.

	Rth.	sg.
The Privy Council of State—		
The Salary of the Ministers	2,835	4
The State Secretariat	—	
	2,835	4

B.

	Rth.	sg.
Interest and Payment of the State Debt—		
Internal Debt—		
Interest, paying off of capital, and other expenses connected therewith	—	
Foreign Debt—		
Interest, paying off of capital, and other expenses connected therewith	98,548	92
	98,548	92

C.

	Rth.	sg.
The Foreign Department—		
Officials and employés under the Department—		
Pay	39	0
Copyists and office expenses	—	
Support fund	—	
Foreign Legations and Consuls—		
Salaries and expenses of maintenance	1,920	58
Other expenses	3,554	58
	5,514	20

D.

	Rth.	sg.
A.—*a.* War Office	641	75½
b. Salaries—		
1. Officers of the line	8,932	44½
2. Various Military and Civil-Military officials and employés	8,957	60
3. Officers of reserve	2,934	57
c. Payments with board for the inferior classes	23,459	18½
d. Various ordinary expenses	14,232	14
e. Various extraordinary expenses	51,719	48
B.—*a.* Provisions—		
1. Bread	1,330	43
2. Forage	10,798	0
b. Lodging—		
1. Quarters and furniture	3,066	16½
2. Barrack expenses	8,028	14½
3. Fire and light for fortresses, and other expenses in fortresses	÷995	48
4. Compensation, according to Ordinance of May 9, 1806	5,410	0
c. Medical expenses	4,884	35½
C.—*a.* The High School	154	48
b. Land Cadet corps	÷1,645	0
c. Gymnastic Institute	504	7½
d. The Manège	1,387	70½
e. Garrison schools, and schools for the inferior classes	3,725	66
D.—*a.* Fees, travelling expenses, and maintenance	649	0
b. Food and necessaries for travelling	1,298	48
E.—*a.* Uniforms ("Montirung")	34,844	87
b. New uniforms—		
1. Cost of new uniforms	12,986	0
2. Compensation for district and forage horses	958	82½
3. Various expenses	72	13
c. War material for the army	3,804	65
d. Fortresses and military buildings, as also taxes and dues—		
1. Maintenance of buildings	2,164	0
2. Taxes and dues	—	
3. New buildings	6,361	23
F.—*a.* Militia on Bornholm	—	
b. Sundry definitè expenses	—	
c. Unforeseen and undefined expenses	3,900	17½
	214,566	43
Addition for officers appointed for the road service	398	48
	214,964	91

E.

	Rth.	sg.
1. Expenses appertaining directly to the Fleet—		
A. Salaries and pay—		
a. Officials and employés under the Department	514	13½
b. Adjutant-General's Office	130	0
c. Pay of officers	11,227	0
d. Officers of justice	49	0
e. Clergy	154	48
f. Academy for Marine cadets	÷530	0
g. Ordinary compensation	÷961	48
B. Workpeople and materials, &c.—		
a. Wharfs	÷6,365	0
b. Materials and men beyond the regular crews	—	
c. Regular crews and "Nyboder"	14,629	44
d. Schools	114	0
e. Provender, provisions, &c.	—	
f. Medicine and hospital	570	0
C. Other expenses—		
a. Rates and taxes	—	
b. Sundry expenses	43	48
c. Unforeseen expenses	—	
D. Equipments—		
a. Cadet ship	1,320	0
b. Watch-station on the Trekroner battery	736	0
c. Watch-station on the Elbe	÷3,029	48
d. Equipments	26,465	48
e. Expenses of Sessions	844	0
E. Extraordinary expenses	37,437	6
2. Expenses not appertaining to the Fleet—		
A. Pilots, lights, and buoys—		
a. Pilots	724	84
b, c. Lights and Buoys	17,570	89
B.—*a.* Inferior Courts of Navigation	—	
b. Dredging	108	0
c. Defences	541	0
d. Christiansö, and its maintenance as a harbour of refuge	182	48
Total expense of the Marine Department	102,475	38⅓

F.

	Rth.	sg.
1. Central Administration of Finances—		
A. Officials and employés under the Department:		
a. Salaries and payments—		
1. Directors of the Department and principal Finanee Accountant	303	0
2. Accountant's Department, and book-keeping of the State	1	48
3. Chief Cashier's Department	90	0
4. Fire-lighter, messengers, &c.	86	48
b. Ministerial and counting-house expenses	216	48
c. Maintenance	324	48
B.—*a.* Mint	733	0
b. Statistical bureau	454	40
C. Contribution for pensions to the inferior military classes, as also for invalids	3,592	0
IV. (D ?). Department of Referee ("Decisorat") for indirect duties	934	0
Revision of Crown lands accounts	—	
	6,735	40

G.

a. Royal edifices	4,793	0
b. Postage for the Royal Household	—	
c. Topographical work, delivery of paper under the general staff, deducting proceeds of paper sold	2,371	87
d. Survey expenses	216	48
e. Small loans to officials, the payment of which is principally uncertain; also aids to medical officers at their first establishment	÷1,298	48
. Compensation to the harbour fund of the town of Kiel, for loss of revenue accruing to the same, through immunity from dues in Danish national ports allowed to French and English war and transport ships, at the time of the war in the East	—	
g. Help towards rebuilding the chapel for Protestants in Lisbon, as the contribution of His Majesty the King	—	
h. Part defrayal of expenses connected with the eventual dispatch of a steamship to China and Japan, for the purpose of concluding Treaties with those States	21,640	0

		Rth.	sg.
i.	For the sea fortifications at Copenhagen	83,314	0
k.	1. Overtures to the sale of Gammelholm	3,571	0
	2. For builder's work, necessary for taking down the buildings in the part of Gammelholm in question	36,355	0
.	Yearly payment of 7,000 rix-thalers to the Civil List out of the Treasury for its provisional management of the hothouses and floricultural gardens at Rosenberg	1,515	0
m.	Expenses for business entrusted to the Kammer Advocate in the kingdom, to the Government Advocate in the Duchy of Schleswig, and to the Chief Administrator in the Duchy of Holstein	541	0
n.	For payment of interest of the Stade debt from the Altona Exchequer	173	0
o.	For reimbursement for counterfeit money	65	0
p.	The amount of the payment of two Danish-English 5 per cent. bonds of 100*l.* sterling each, which had not been presented for redemption within the prescribed term	—	
q.	Provisional addition to salaries of officials and employés of common departments	108,200	0
r.	Expenses caused by the extension of State telegraphs	19,687	0
s.	Expenses occasioned by damming works for the west coast of the Duchy of Schleswig	23,804	0
t.	Expenses for building barracks	1,731	0
u.	Expenses caused by the purchase of several pieces of forest land and other smaller pieces of ground	—	
v.	Maintenance of persons who have managed the ferry department in Elsinore	1,893	48
x.	Payments to various national institutions and officials in Elsinore, as also for support of private persons	1,082	0
Unforeseen expenses		18,394	0
		328,048	39

II.

I. Receipts.

	Particular Sums.		Totals.	
	Rth.	sg.	Rth.	sg.
A. Of the Kingdom—				
a. The Land:				
1. Proper land revenues	19,062	83		
2. Various receipts under the Land Administration	1,031	48		
3. Various mansions and buildings appertaining to the Land Administration	1,973	48		
b. Forests and the chase—				
1. Forest lands	22,756	94		
2. Hunting land	538	29		
			7,237	40
B. Of the Duchy of Schleswig—				
a. The Land:				
1. Revenues of the Domain districts	1,257	48		
2. Regular Domain rents	4,430	62		
3. Changeable Domain rents	6,654	48		
b. Forest and hunting grounds	2,597	0		
			6,078	34
C. Of the Duchy of Holstein—				
a. The Land:—				
1. Revenues of Domain Districts	8,531	36		
2. Rents of farmed land	3,138	0		
3. Other Domain revenues	3,921	20		
4. Strand moneys	43	48		
b. Forest and hunting-grounds	8,677	48		
			24,311	56
			37,627	34

II. Payments.

	Particular Sums.		Totals.	
	Rth.	sg.	Rth.	sg.
A —*a.* Domain Accountant's Office—				
b. Payment of three Inspectors	1,947	48		
			1,947	48
B. Domains in the Kingdom—				
a. The Land:				
1. Expenses belonging to the proper Domain districts	÷30,365	0		
2. Expenses for various farms belonging to the State, tithes, &c., and for Colonies on the Ahl- and Randböl-haide	338	0		
3. Expenses for various mansions and buildings belonging to the Crown Land Administration	1,862	0		
4. Expenses arising from transfer of property, and especially from carrying out the Law of April 8, 1851	108	0		
5. Sundries and unforeseen expenses connected with the Crown Land Administration	—			
b. Forest and hunting-ground:				
1. Forest land	6,875	22		
2. Hunting-ground	710	0		
3. Common expenses for forests and chase	599	46		
c. Building works	÷3,648	0		
d. For keeping ancient and historical monuments	—			
			÷23,520	28
C. Domains in the Duchy of Schleswig—				
a. Land:—				
1. Expenses in the so-called Domain districts	229	48		
2. Expenses in farms, &c.	3,341	0		
3. Expenses connected with the existing Domain revenues . ..	5,012	0		
b. Forest lands	8,431	0		
			17,013	48
D. Domains in the Duchy of Holstein—				
a. Land:				
1. Expenses of particular domains	6,225	0		
2. Expenses in farms, &c.	5,616	0		
3. Expenses connected with existing domain revenues	2,541	0		
b. Forests	5,734	48		
c. Sundry expenses	3,029	48		
			23,146	0
			18,586	68

	Rth.	sg.
Receipts	37,627	34
Expenses	18,586	68
Surplus	19,040	62

I.

	Rth.	sg.
1. Interests of State Credits—		
A. Credits of the Reserve Fund; Interest and profits of the same ..	9,629	88
B.—*a.* Rents for property assigned to the credits	30	48
b. Surplus from the Greenland trade and the Porcelain manufactory	13,581	48
c. Surplus from the manufactory in Usseröd	1,753	0
C.—*a.* Interest on the outstanding claims in the Kingdom, in the Duchy of Schleswig, and in the Duchies of Holstein and Lauenburg, after deduction of costs of recovery, &c., previously made ..	8,483	21
b. Interest of outstanding claims in the West Indies, with surplus of rents from the plantations which have been undertaken, after deduction of the costs of recovery, &c., previously made ..	÷822	46
c. By notification of the Dano-English 5 per Cent. loan of 1849, there is a decrease in the amount of credits such as to produce a diminution of interest of	÷56'770	5
2. Estimated payments of capital to the State credits	103,223	19
	79,108	77

I. Receipts.

	Particular Sums.		Totals.	
	Rth.	sg.	Rth.	sg.
A. For the Kingdom—				
a. Import duty and tax of stamped paper, after deduction of repayments ("Vergütungen")	56,913	0		
b. Export duty, ditto	2,510	0		
c. Transit duty, and rent of farms, ditto	86	48		
d. Fees, ditto	3,884	48		
e. Charges, ditto	3,019	0		
f. Lighthouses, ditto	4,458	0		
g. Distillery licenses, ditto	7,249	48		
h. Recognitions of commercial travellers and licensed lace-dealers	÷303	0		
i. Sundry receipts	433	0		
			78,250	48
B. For the Duchy of Schleswig—				
a. Import duty and tax on stamped paper, after deduction of repayments	÷4,934	0		
b. Export duty, ditto	2,034	0		
c. Transit duty, and rent of farms, ditto	—			
d. Fees, ditto	÷292	0		
e. Charges, ditto	259	48		
f. Lighthouses, ditto	433	0		
g. Distillery licenses, ditto	÷1,839	48		
h. Recognitions of commercial travellers and licensed lace-dealers	130	0		
i. Sundry receipts	÷357	0		
			÷4,566	0
C. For the Duchy of Holstein—				
a. Import duty and tax of stamped paper after deducting repayments	13,135	48		
b. Export duty, ditto	÷454	48		
c. Transit duty, and rent of farms, ditto	÷3,852	0		
d. Fees, ditto	1,125	48		
e. Charges, ditto	43	48		
f. Lighthouses, ditto	108	0		
g. Distillery licenses, ditto	1,904	48		
h. Recognitions of commercial travellers and licensed lace-dealers	671	0		
i. Sundry receipts	822	48		
	13,504	0		
Oversum amounts according to the Conventions of February 15, June 20 and 21, 1853, estimated at a higher sum than in the regular Budget, at	303	0		
Remaining	..		13,807	0
Consequent Total	..		87,491	48

II. Expenses.

	Particular Sums.		Totals.	
	Rth.	sg.	Rth.	sg.
A. Common Expenses of the Administration—				
a. General direction of duties	65	0		
b. Cross duties ("Kreuz-zoll")	÷887	0		
c. Guard of the tax-frontier in Holstein	15,753	0		
d. Provisional increase of the book-keeping expenses, allotted to the Customs officers	3,895	0		
e. Building expenses, in so far as they concern the Monarchy	—			
			18,826	0
B. Local Administration Expenses in the Kingdom—				
a. Salaries, addition for age, book-keeping, &c.	8,271	0		
b. Augmentation of tax-inspection and for the exemption from duties in Copenhagen	1,082	0		
c. Building expenses	217	0		
d. Travelling expenses and maintenance of head tax-inspectors	—			
e. Other expenses of Administration	649	0		
f. Repayments in accordance with the Order of 28th May, 1825, § 8	÷79	0		
g. Remission of penalties for illegal distillation in the country	119	0		
			10,259	0
C. Local Administration Expenses in the Duchy of Schleswig—				
a. Salaries, addition for age, book-keeping, &c.	223	0		
b. Augmentation of tax-inspection	—			

	Particular Sums.		Totals.	
	Rth.	sg.	Rth.	sg.
c. Building expenses	÷152	0		
d. Travelling expenses and maintenance of head tax-inspectors	—			
e. Other expenses of administration	÷671	0		
			÷606	0
D. Local Administration Expenses in the Duchy of Holstein :—				
a. Salaries, addition for age, book-keeping, &c.	7,017	48		
b. Augmentation of tax-inspection	865	48		
c. Building expenses	173	0		
d. Travelling expenses and maintenance of head tax-inspectors	—			
e. Other expenses of administration	757	48		
			8,813	48
Total Expenses			37,298	48

	Rth.	sg.
Receipts	87,491	48
Expenses	37,298	48
Surplus	50,193	0

L.

I. Receipts.

	Post Office.		Telegraph.	
A. Post Office—	Rth.	sg.	Rth.	sg.
A.—*a.* Postage of letters, money, and packets, with payment for sending travellers by freight post	67,560	0		
b. Postage of newspapers, magazines, &c.	3,116	6		
B.—*a.* Freight for dispatch of travellers and merchandize by diligences and personal posts	13,612	13		
b. Receipts from steamers and ferries established on account of the Post Office	70,860	12		
C.—Casual Receipts	368	0		
B. Telegraph			37,653	77
In all	155,516	31	37,653	77

II. Expenses.

	Post Office.		Telegraph.	
A. Post Office—	Rth.	sg.	Rth.	sg.
A. Head Administration	5	0		
B. Head officials and accountants—				
a. Head Post Office in Hamburgh	661	48		
b. Head Post Office in Lübeck	577	6½		
c. Post accountants	1,700	35		
d. Provisional increase of pay to accountants	3,787	0		
C. Dispatch of mails, &c.—				
a. Sending the mails	114,732	13½		
b. Escort of mails	39	0		
c. Other annual expenses	7,187	65		
d. Unforeseen and extraordinary expenses	4,328	0		
B. Telegraphs—				
a. Salaries and payments			14,715	48
Other expenses			11,229	46
Share of the Swedish Government in the calculated surplus on the common telegraphic communication between Denmark and Sweden			2,488	77
Total Expenses	133,017	72	28,413	75

	Post Office.		Telegraph.	
	Rth.	sgr.	Rth.	sgr.
Receipts from Post Office	155,516	31		
Receipts from Telegraphs	37,653	77		
			193,170	12
Expenses of Post Office	133,017	72		
Expenses of Telegraphs	28,413	75		
			161,431	51
Total Surplus from Post Office and Telegraphs ..	..		31,738	57

M.

	Rth.	sgr.
a. Interest of the cash reserve	—	
b. Payments on advances	—	
c. Amounts, &c., realized in Military and Naval Staff (?)	6,275	58
d. Tax on titles	865	58
e. Sundry rent-receipts	397	0
f. Dues	—	
g. Receipts from Mint	324	58
h. Casual receipts and moneys paid in	2,164	0
i. The amount wanted to re-establish the balance between the receipts and payments of the State treasure is contributed from the Cash reserve, or, in case of necessity, from the Reserve fund, and is estimated at .	4,491	59
	14,518	41

No. 3.

Share of the Duchy of Holstein in the Common Expenses of the Monarchy.

	Determined for 1860–62 by Supreme Resolution of September 23, 1859.	Taken on the Provisional Regular Budget of February 28, 1856.	Consequent Addition for 1860–62.	Subsequent Corrections.	Holstein's Addition to the Amounts of the Regular Budget of 1860–61.		Holstein's Addition to the Amounts of the Regular Budget of 1861–62.	
	Rth.	Rth.	Rth.	Rth.	Rth.	sg.	Rth.	sg.
To the Civil List of His Majesty the King	346,240	346,240						
To the Appanages of the Royal House	160,162	152,908	7,254	...	3,367	29	3,886	67
To the Privy Council of State	28,738	23,068	5,670	...	2,834	92	2,835	4
To the Interest and Payment of the State Debt	2,472,586	2,659,556	+ 186,970	...	+ 88,421	4	+ 96,548	92
To the Pensions	584,496	613,147	+ 28,651	...	+ 10,646	48	+ 18,004	48
To the Foreign Department	103,104	91,427	11,677	+ 649	5,513	76	5,514	20
To the War Department	1,850,683	1,383,683	467,000	+ 19,804	232,231	5	214,964	91
To the Marine Department	848,663	632,690	215,973	+ 8,044	105,453	72	102,475	24
To the Finance Department	190,653	177,842	12,811	...	6,076	56	6,734	40
To sundries and unforeseen expenses	669,747	57,562	612,185	+ 5,646	278,490	15	328,048	81
Total	7,255,072	6,138,123	1,116,949	+ 34,143	534,900	5	547,905	91

Share of the Duchy of Holstein in the Common Receipts of the Monarchy.

	Estimated by Supreme Resolution of September 23, 1859, for 1860–62.	Taken on the Provisional Regular Budget of February 28, 1856.	Consequent Addition for 1860–62.	Subsequent Corrections.	Amount of Quota of Holstein by Additions for 1860–61.		Amount of Quota of Holstein by Additions for 1861–62.	
	Rth.	Rth.	Rth.	Rth.	Rth.	sg.	Rth.	sg.
Surplus from Crown Land Revenues	764,013	735,327	28,686	1,047	10,695	40	19,037	56
Surplus from Duchy of Lauenburg	108,200	129,840	+ 21,640	...	+ 10,198	19	+ 11,441	77
Surplus from Danish West India Islands	18,545	1,298	17,247	...	8,623	71	8,623	25
Interest and Payments of the State Credits	355,820	220,825	134,995	3,500	59,893	3	79,107	93
Interest on the Oresund Fuhd	519,360	...	519,360	...	259,680	0	259,680	0
Surplus of the Eider Canal, Sound, and River Dues ...	...	894,165	+ 894,165	...	+ 447,082	48	+ 447,082	48
Surplus from Taxes, Stamps, Navigation Dues, Distilleries, Recognitions of Commercial Travellers, &c.	3,359,080	3,266,991	92,039	2,943	44,790	15	50,191	81
Surplus of Post Office and Telegraphs	95,701	52,585	43,116	6,427	17,796	80	31,746	16
Surplus of Lotteries	43,280	32,460	10,820	...	5,410	0	5,410	0
Sundries	173,363	63,102	110,261	+ 48,066	47,676	55	14,518	41
Total	5,437,312	5,396,593	40,719	+ 34,143	+ 3,214	91	9,790	91
Holstein's Contribution out of the separate Revenues of the Duchy	1,817,760	741,530	1,076,230	...	538,115	0	538,115	0
Total	7,255,072	6,138,123	1,116,949	+ 34,143	531,900	5	547,905	91

No. 25.

Mr. Paget to Lord J. Russell.—(*Received April* 10.)

My Lord, *Copenhagen, April 7*, 1861.

M. HALL informed me yesterday that M. Schultze, the Royal Commissioner at Itzehoe, who had been for a long time in conference with the Committee of the States to whom the communication of the Government respecting the Budget had been referred, had

requested authority to prolong the Session for eight days from Wednesday next, when the original prolongation ends. M. Hall had immediately obtained the King's sanction to this, and had informed M. Schultze accordingly.

M. Hall in communicating this intelligence to me said he could not but arrive at the conclusion that M. Schultze would not have requested any additional delay unless his communications with the Committee had led him to believe that their Report would not be unfavourable to a discussion of the Budget by the Assembly.

I have, &c.
(Signed) A. PAGET.

No. 26.

Lord J. Russell to Mr. Paget.

Sir, *Foreign Office, April* 10, 1861.

I HAVE received your despatch of the 1st instant, reporting a conversation which you had held with M. Hall on the question of the Budget which is to be discussed by the Holstein States; and I have to inform you, in reply, that I approve the language which you used to M. Hall upon that occasion.

I am, &c.
(Signed) J. RUSSELL.

No. 27.

Lord J. Russell to Earl Cowley.

My Lord, *Foreign Office, April* 10, 1861.

I TRANSMIT to your Excellency herewith a copy of a despatch from Her Majesty's Minister at Copenhagen,* inclosing a translation of the instructions given to the Royal Commissioner, and which were to be read by him on the 4th instant to the States of Holstein. Your Excellency will communicate these instructions to M. Thouvenel, and in so doing you will state that Her Majesty's Government would be glad to learn the opinion of the French Government thereupon.

Her Majesty's Government consider that the proposals thus made afford sufficient grounds to the States of Holstein to discuss and vote the Budget.

I am, &c.
(Signed) J. RUSSELL.

No. 28.

Earl Cowley to Lord J. Russell.—(Received April 13.)

My Lord, *Paris, April* 12, 1861.

WHEN I went to communicate to M. Thouvenel, under your Lordship's orders, the instructions given to the Royal Danish Commissioner which were to be read by him on the 4th instant to the States of Holstein, I found his Excellency already in possession of them.

On stating that Her Majesty's Government desired to know the opinion of the Imperial Government thereupon, M. Thouvenel said that he considered that the instructions showed a desire on the part of Denmark to come to an amicable arrangement with the States of Holstein, which the latter ought to meet halfway, and that he had hinted as much in despatches which he had addressed to the French Representatives at Vienna and Berlin, but that his remarks to those Courts had been very guarded, as they were prone to construe positive advice into menaces which had never been intended.

I said that your Lordship was also of opinion that the proposals of Denmark ought to induce the States of Holstein to discuss and vote the Budget.

I have, &c.
(Signed) COWLEY.

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* No. 19.

No. 29.

Count Manderström to Count Platen.—(*Communicated to Lord J. Russell by Count Platen, April* 13.)

M. le Comte, *Stockholm, le* 29 *Mars*, 1861.

LES nouvelles qui nous parviennent au sujet de l'accueil fait par les Etats du Duché de Holstein aux propositions qui leur avaient été adressées par leur Souverain ne sauraient qu'inspirer au Gouvernement du Roi les réflexions les plus sérieuses. Ces propositions sont connues de tous les Gouvernements, et quand même leur teneur, à certain égard, n'a point paru dès l'abord absolument claire et précise, les explications qui ont été fournies par le Cabinet de Copenhague ne laissent aucun doute sur l'importante concession faite aux Etats rassemblés à Itzehoe de voter la quotepart du Duché de Holstein dans les dépenses communes de la Monarchie Danoise pour l'exercice de l'année 1861 à 1862. Cette concession ne saurait être qu'appréciée par les Puissances, comme remplissant toutes les exigences légitimes que la Confédération Germanique est fondée à formuler en faveur des droits du Holstein, en ce qui concerne la participation de ce Duché aux dépenses communes de la Monarchie; mais quoiqu'au moment où je vous adresse cette communication, M. le Comte, le vote définitif des Etats ne nous soit connu que par le télégraphe, nous savons déjà que le projet présenté par le Comité auquel les propositions Royales avaient été renvoyées a été adopté par les Etats, et l'on ne peut donc nourrir aucun espoir de les voir obtenir le suffrage de la Diète. Au contraire, il paraît que ces concessions ont été rejetées dans leur ensemble, tant pour ce qui concerne les bases de la Constitution définitive que l'arrangement provisoire et la Constitution spéciale du Duché, laquelle n'a été acceptée que sous bénéfice d'inventaire, et pour le cas que le Gouvernement accédât purement et simplement aux Résolutions de la Diète de Francfort du 8 Mars, 1860. Le Comité chargé de cet examen, et dont le projet a été adopté, avait conclut dans son rapport au rejet pure et simple des bases de la Constitution commune future, comme ne répondant en aucune manière aux aspirations du Duché; et quant au provisoire, il considère qu'il n'y a pas lieu non plus pour les Etats de l'accepter, cet état de choses devant être réglé conformément aux résolutions de la Confédération Germanique. Par contre, il déclare que rien ne pourrait rétablir une tranquilité durable et assurer le bonheur et la prospérité future du pays, à moins du rétablissement des anciennes relations du Duché de Holstein avec celui de Slesvig.

Cet attitude, si éloigné de répondre à l'esprit conciliant qui a dicté les propositions de Sa Majesté le Roi de Danemarc, et qui place la question sur un terrain légalement inabordable à la Confédération Germanique, et par conséquent au Duché de Holstein, puisqu'il forme partie de cette Confédération, offre au moins l'avantage d'éclaircir la situation et de dessiner nettement la seule voie à suivre désormais pour arriver à un terme des différends depuis trop longtemps subsistans entre le Danemarc et l'Allemagne, et qui forment un danger permanent pour le maintien de la paix générale de l'Europe, et en particulier pour la tranquilité du Nord. Il en ressort incontestablement, en premier lieu, que tout essai ultérieur de réorganiser la Monarchie Danoise sur la base d'une Constitution commune à toutes ses parties, devra désormais être abandonné comme impossible à effectuer, et ensuite que toute tentative d'entente directe avec le Holstein deviendrait vaine, et que c'est bien entre le Danemarc et la Confédération Germanique que la question devra être vidée. Mais, comme il paraît impossible qu'un arrangement à l'amiable puisse intervenir entre deux parties qui partent d'un point de vue diamétralement opposé, il ne semble rester, si l'on veut éviter un conflit désastreux, que l'intervention médiatrice des Puissances qui sont les plus intéressées à écarter cette triste éventualité, et qui, par des engagements préalables, ont acquis le droit d'aviser au maintien de l'intégrité de la Monarchie Danoise, sérieusement menacée par les tentatives d'empiètement mal déguisées qui sont dirigées contre elle.

Il paraîtra démontré à quiconque aura voué une attention réfléchie et impartiale à la marche de cette question, que tous les efforts du Gouvernement Danois d'établir une Constitution commune à toutes les parties de la Monarchie sur la base des déclarations faites par lui en 1852, ont échoué contre le mauvais vouloir des Duchés Allemands, soutenus du dehors, et qu'il ne lui reste plus qu'à donner à ces Duchés une situation qui, en sauvegardant leurs droits et en respectant leur position comme membres de la Confédération Germanique, permettra en même temps aux pays réunis sous le sceptre de Sa Majesté Danoise qui ne font point partie de cette Confédération de vivre de leur vie propre sans se trouver exposés aux empiètements

et à l'intervention perpétuelle de l'Allemagne dans les affaires intérieures de la Monarchie, incompatibles avec son existence prolongée comme Etat indépendant. Une pareille organisation ne pourrait évidemment être effectuée que par la cessation de l'unité législative représentée par l'ancien Conseil du Royaume (Rigsraad) commun à toute la Monarchie, et par la séparation successive de tous les intérêts communs, sur lesquels on ne parviendra jamais à mettre d'accord les Représentations nationales de Danemarc et du Slesvig, d'un côté, et celles du Holstein et du Lauenbourg, de l'autre. Cette marche se trouvait déjà indiquée, quoiqu'à notre avis d'une façon encore trop incomplète, dans les propositions faites en dernier lieu par Sa Majesté le Roi de Danemarc, et qui répondaient à toutes les exigences légitimes qui pouvaient être mises en avant au nom des Duchés Allemands, auxquels elles laissaient toute l'indépendance et en même temps toute l'influence sur les affaires communes compatibles avec celle des autres parties de la Monarchie.

Les Puissances intéressées au maintien de l'intégrité de la Monarchie Danoise ne sauraient méconnaître, nous nous en tenons assurés, que cette marche est désormais la seule que puisse adopter le Gouvernement Danois, et l'expérience gagnée en dernier lieu devra les convaincre combien seraient vains tous les essais dans un autre sens. Cette conviction a été depuis longtemps celle du Gouvernement du Roi notre auguste Souverain : elle a dicté tous les conseils qu'il a cru devoir, dans ces graves conjonctures, offrir au Cabinet de Copenhague. Aujourd'hui et malgré l'hésitation naturelle éprouvée par le Gouvernement du Roi de prendre l'initiative dans une question qui toutefois, dans ses conséquences, deviendra toujours pour lui d'une importance majeure, il ne croit pas devoir tarder plus longtemps à fixer l'attention des Puissances amies et alliées du Danemarc sur les dangers de la situation, et à employer ses efforts pour la leur faire envisager sous le même point de vue, en tachant de leur démontrer l'urgence de ne point abandonner le Danemarc, après lui avoir fait épuiser, à la suite de sages conseils donnés collectivement par la France, la Grande Bretagne, et la Russie, et dont il a tenu compte, tous les moyens de conciliation envers ses Provinces Allemandes.

La pensée dominante, d'un bout à l'autre, dans le Rapport du Comité des Etats du Holstein, c'est le retour complet aux idées du Slesvig-Holstein de 1848, et la domination absolue dans la Monarchie Danoise de l'élement Germanique, recevant son impulsion de l'Allemagne. Il ne semble donc rester au Gouvernement Danois, qui en acceptant ces idées ne ferait que commettre un suicide politique et amener un bouleversement qui fort probablement ferait crouler l'édifice de la Monarchie, que d'ouvrir de nouvelles négociations avec la Confédération Germanique. En s'appuyant sur l'impossibilité d'en arriver à une entente avec les Etats du Holstein, ressortissant du dernier essai que l'on vient de tenter, le Roi de Danemarc pourrait se déclarer prêt à entrer dans de nouveaux pourparlers avec la Confédération, en sa qualité de Duc de Holstein, pour régler la position de ce Duché envers les autres parties de la Monarchie, de manière à sauvegarder les droits et obligations Fédérales du Duché, mais sans qu'il en résulte un droit d'immixtion pour la Confédération dans les affaires intérieurs de la Monarchie Danoise, en indiquant en même temps la seule voie qui puisse amener ce résultat.

Si nous sommes bien informés le Gouvernement Danois ne serait pas éloigné d'entrer dans cette voie, en s'adressant simultanément aux Puissances amies et alliées pour invoquer leur appui afin d'arriver à une solution de ses différends avec l'Allemagne. Bien que ces Puissances aient constamment déclaré vouloir considérer ces différends, en ce qui concerne le Holstein, comme une affaire exclusivement Fédérale, elles ne sauraient cependant consentir à ce que la position Fédérale, que l'on veut faire au Roi de Danemarc, comme Duc de Holstein, soit de nature à mettre en danger l'existence de sa Monarchie comme Etat indépendant. Ce Souverain se croirait fondé à invoquer l'exemple des Pays Bas, en demandant aux Puissances qui ont concouru aux Traités constitutifs de la Confédération Germanique, que le Duché de Holstein fût placé sur le même pied par rapport au Danemarc que le Grand Duché de Luxembourg envers le Royaume des Pays Bas. Il nous paraît en effet difficile de se persuader que la qualité de question Fédérale attaché aux différends entre le Danemarc et la Confédération, lorsqu'ils s'agitent autour de la position du Holstein, doive empêcher ces Puissances d'intervenir, dès que leur règlement implique une question d'organisation de la Monarchie Danoise dans son ensemble, et surtout lorsque les prétentions mises en avant de la part de la Confédération Germanique sont de nature à en compromettre l'existence comme Etat indépendant. La question nous paraît devenir dès lors et indubitablement d'intérêt Européen, et donner un droit incontestable d'intervention à toutes les Puissances intéressées au maintien de

l'équilibre politique dans le Nord de l'Europe. Il s'agit ici de savoir si l'existence de la Monarchie Danoise est toujours reconnue comme un intérêt du premier ordre, comme une nécessité Européenne. Nous pensons qu'à cet égard l'opinion des Puissances est la même aujourd'hui que par le passé ; mais en ce cas, il s'en suit qu'elles doivent employer tous leurs efforts, non seulement pour prévenir l'explosion d'une nouvelle lutte entre le Danemarc et l'Allemagne, mais qu'aussi, en tirant profit des leçons de l'expérience, elles doivent chercher sérieusement les moyens d'éloigner, une fois pour toutes, les causes d'un différend qui déjà ne s'est que trop prolongé, et qui constitue une menace permanente pour la tranquilité du Nord.

Ces moyens, quels seraient-ils? Nous y avons sérieusement et longuement réfléchi, et nous devons dire que la solution que l'on paraît disposé à adopter maintenant à Copenhague, et qui peut-être aurait pu devenir satisfaisante lorsque nous l'avons conseillée, et avant la dernière tentative de rapprochement qui vient d'avorter, ne nous paraît plus suffisante, et que nous pensons qu'il faudrait une initiative vigoureuse et propre à détruire tout sujet de conflit dans ses racines. Nous nous permettons de communiquer aux Cabinets de Londres, de Paris, et de St. Pétersbourg, à titre absolument confidentiel, nos vues à cet égard, en les soumettant à leur appréciation éclairée. Quand même nous ne réussirions pas à les convaincre de l'opportunité ou de la viabilité de la solution que nous allons proposer, au moins aurions-nous la conscience d'avoir accompli, en ce qui dépend de nous, la tâche de maintenir l'intégrité d'un Royaume voisin, et ne pourrait-on pas nous imputer les vicissitudes auxquelles, faute d'un appui puissant, ce Royaume pourrait tomber en proie.

Après les péripéties qu'a parcouru ce différend pendant les dernières dix années, on ne saurait guère se flatter de l'espoir que les deux parties litigantes en viennent jamais à une entente entre elles, et en effet les concessions jusqu'ici faites par le Danemarc n'ont eu pour résultat que d'augmenter les prétentions de l'Allemagne. Il faudrait donc, à moins que l'on ne veuille s'en remettre aux événements pour la solution de cette question, que les Puissances impartiales, mais intéressées, interviнssent en établissant les conditions auxquelles l'existence de la Monarchie Danoise peut être effectivement garantie, en les imposant ensuite aux deux parties au nom de l'intérêt suprême de la paix de l'Europe.

Certainement il nous paraîtrait le plus désirable, vu la faiblesse inhérente à un Etat d'une étendue relativement aussi rétrécie que celle du Danemarc, que sa frontière pût être définitivement établie à l'Elbe, et que le Holstein pût cesser de faire partie de la Confédération Germanique. Mais un tel résultat ne pourrait guères aujourd'hui être atteint qu'à l'issue d'une guerre, que toutes les Puissances, sans doute, sont intéressées à éviter, et il ne reste alors qu'à examiner les conditions sous lesquelles ce Duché, tout en restant membre de la Confédération, pourrait être conservé an Danemarc.

J'ai dit déjà qu'une position du Holstein à l'instar de celle du Luxembourg vis-à-vis des Pays-Bas semblait insuffisante, et, en effet, sans prendre en considération qu'une pareille position n'opposerait qu'une barrière bien faible à l'ingérence de l'Allemagne dans les affaires du Duché limitrophe de Slesvig, l'obligation seule du Danemarc d'envoyer le contingent militaire du Holstein pour prendre part à toute guerre dans laquelle pourrait être impliquée l'Allemagne, placerait toujours ce Royaume dans une position délicate, soit en devant embrasser une cause contraire à ses sentiments et à ses intérêts, soit en le forçant de se soustraire à ses obligations Fédérales : c'est là une position qui exclut l'indépendance à laquelle ce Royaume a un droit imprescriptible de prétendre.

Des expériences infructueuses auxquelles le désir d'arriver à une solution de ce problème a donné lieu jusqu'ici, il ressort pour le Gouvernement du Roi qu'elle ne pourra être obtenue qu'aux conditions suivantes :—

1. Séparation administrative complète du reste de la Monarchie du Duché du Holstein, auquel on laisserait, en outre de ses affaires particulières, sa propre armée, en restreignant les affaires communes à toutes les parties de la Monarchie aux allocations pour la liste civile, aux relations avec l'étranger, à la marine, aux postes et télégraphes. De cette manière, les récettes communes suffiraient à peu près aux dépenses, et le Budget normal pourrait être établi sur une base fixe et invariable, qui ne serait changée que d'un commun accord entre les diverses parties de la Monarchie.

2. Le Roi de Danemarc ayant rempli ses promesses en ce qui concerne l'organisation du Duché de Slesvig, les Puissances signataires du Protocole de Londres, 1852, émettraient une déclaration reconnaissant ce fait, et assurant la cessation, à l'avenir, de toute immixtion de l'Allemagne dans les affaires de ce Duché.

3. A l'effet d'assurer l'efficacité de ces deux premières conditions, il faudrait y joindre celle de la neutralisation du territoire du Holstein, qui serait placé sous la garantie des Puissances signataires du Protocole de Londres.

Ces trois points principaux offerts à l'appréciation des Cabinets de Londres, de Paris, et de St. Pétersbourg, je me permettrai d'y joindre quelques courtes observations, qui sans épuiser une matière dont l'ensemble exige un examen approfondi, porteront sur quelques questions de détail, urgentes à élucider dès le principe.

Ad 1. Ce projet rentrant dans celui qui placerait le Holstein dans une position analogue à celle du Luxembourg, il paraît que le Gouvernement Danois ne pourrait élever aucune objection, et la Confédération ne pourrait guères refuser à l'un de ses membres la position qu'un autre occupe déjà sans observation de la part de l'autorité Fédérale. Quant à l'armée du Holstein, elle pourrait, si le troisième point était arrêté dans tous ses développements, être restreinte à un corps de gendarmerie, destiné à veiller à la police, au maintien de l'ordre, et à celui de la tranquillité publique. Il s'entend que le Holstein, tout en conservant son autonomie, pourrait, si les Etats de ce Duché le désiraient, obtenir les mêmes garanties et libertés constitutionnelles que les autres parties de la Monarchie.

Ad 2. Le motif allégué pour l'immixtion de l'Allemagne dans les affaires intérieures du Duché de Slesvig a toujours été la différence du traitement accordé par le Gouvernement Danois à ses sujets Danois et à ses sujets Allemands. Nous ne voulons point nier que bien qu'empreintes d'exagération, ces plaintes ne nous aient paru ne point manquer de tout fondement. Mais si le Gouvernement Danois, dont les principes libéraux sont généralement reconnus, n'a point cru pouvoir accorder à la langue Allemande, à l'exercice religieux, et à l'enseignement dans cette langue, une liberté illimitée, le motif peut-il avoir été autre que l'appréhension de voir l'extension du Germanisme servir de moteur et de moyen aux empiètements territoriaux de l'Allemagne? Ceux-ci une fois pour toutes arrêtées par le moyen proposé, cette appréhension perdrait, avec sa raison d'être, tout motif d'application pratique, et nous ne doutons aucunement que les Puissances qui appuyeraient cet arrangement ne trouvassent facile d'obtenir du Gouvernement Danois l'assurance de concéder les libertés les plus larges et les plus conformes à celles dont jouissent déjà les habitants Danois du Duché, à ceux de ses habitants qui sont de race Germanique, et qui parlent la langue Allemande.

Il convient peut-être de toucher ici à un mode de solution, mis en avant il y a déjà quelques années, et consistant dans une partition du Slesvig, d'après les nationalités, entre le Danemarc et le Holstein. Ce projet, malgré qu'à première vue il semble offrir des avantages fort spécieux, ne nous paraît nullement fait pour trancher le litige. Il est souverainement antipathique au Danemarc, qui, nous en sommes convaincus, ne se le laisserait jamais imposer autrement que par la force; il ne serait pas plus populaire dans le Holstein, qui ne regarderait nullement cette concession suffisante. Il nous paraît pècher par le principe, puisqu'il admettrait que la nature du sol eût être changée, par suite d'une immigration étrangère, et il renfermerait, à notre avis, une flagrante injustice, en augmentant le territoire d'une grande Puissance, à laquelle le Slesvig n'a jamais appartenu, aux dépens d'une Puissance déjà relativement bien plus faible. D'ailleurs, en établissant une frontière d'après les nationalités, on se placerait sur un terrain mouvant, et ce principe une fois reconnu l'élément Germanique tendrait à se propager jusqu'au Skagern, en réclamant successivement comme revenant à l'Allemagne les districts où cet élément aurait peu à peu acquis une prépondérance, qui, ce point une fois admis, ne ferait bien certainement pas défaut.

La déclaration proposée de la part des Puissances signataires du Protocole de Londres ne contient, pour la plupart d'elles, aucune nouveauté dans leur droit public. L'union indissoluble du Duché de Slesvig au Danemarc proprement dit a été, comme vous ne l'ignorez point, M. le Comte, garantie à des époques différentes: de la part de la France, par l'Acte de Garantie du 14 Juin, 1720; de celle de la Grande Bretagne en date du 26 Juilliet de la même année; de celle de la Russie, par le Traité Provisoire du 22 Avril, 1767; par le Traité Défluitif du 21 Mai, 1773, ainsi que par l'Acte de Garantie et de Renonciation du 31 Mai, 1773; enfin de la part de la Suède par le Traité du 3 Juin, 1720. Il ne s'agirait donc que d'introduire dans le droit public général de l'Europe une disposition qui se trouve déjà insérée dans celui de chacune des Puissances déclarantes.

Ad 3. Si le principe de la neutralisation du Holstein, dans le but d'établir une barrière entre l'Allemagne et le Danemarc, était admis, il y aurait à examiner

ultérieurement quelles modifications résulteraient de cette condition dans les rapports de ce Duché avec la Confédération, et s'il ne conviendrait pas de remplacer son contingent et celui du Lauenbourg par une somme fixe à verser annuellement dans la caisse Fédérale, et stipulée de façon à suffire au remplacement des troupes dont serait ainsi diminué le 10e Corps d'Armée de l'Allemagne.

Nous ne nous dissimulons point que ces trois propositions, et surtout la dernière, rencontreront une forte opposition de la part de l'Allemagne. Aussi ne pourront-elles être mises à exécution qu'en vertu d'une nécessité Européenne reconnue par un concert préalable des Puissances non-Allemandes qui ont concouru à la Convention de Londres, et les pertes ou sacrifices qui pourraient en résulter pour la Confédération donneraient naturellement lieu à une compensation équitable.

Ainsi que je vous l'ai déjà exprimé, M. le Comte, nous ne croyons point devoir faire à cet égard de proposition formelle; mais nous nous croyons justifiés à fixer l'attention des Cabinets concernés sur le seul moyen de solution qui se présente à nos yeux comme pratique. L'on ne saurait nier que le Gouvernement du Roi notre auguste Souverain ne soit, au plus haut degré, intéressé à voir se terminer un différend qui pèse sur tout notre avenir, et qui, si rien n'est fait pour le trancher, entrainera nécessairement, tôt ou tard, une lutte à laquelle il nous sera bien difficile de rester étrangers. En prenant l'initiative pour proposer une entente qui semble répondre aux intérêts bien entendus des deux parties, puisqu'elle assurerait la paix et les bonnes relations entre elles, nous aurons tâché, en autant qu'il dépend de nous, d'éloigner des éventualités qu'aucune des Puissances concernées ne saurait voir avec indifférence, mais que, plus que tout autre, nous avons intérêt à conjurer.

Je vous engage, M. le Comte, à saisir une prochaine occasion pour faire part à Lord John Russell du contenu de cette dépêche, et même à lui en laisser, à titre confidentiel, une copie, si son Excellence en exprimait le désir. J'écris simultanément et identiquement aux Ministres du Roi à Paris et à St. Pétersbourg en leur donnant les mêmes instructions; nous nous flattons d'être informés, dans son temps, des vues de ces Cabinets sur les points que nous nous sommes permis d'indiquer.

Agréez, &c.

(Signé) MANDERSTRÖM.

(Translation.)

M. le Comte, *Stockholm, March* 29, 1861.

THE accounts which reach us on the subject of the reception given by the States of the Duchy of Holstein to the proposals which had been addressed to them by their Sovereign cannot but engage the most serious attention of His Majesty's Government. These proposals are known to all Governments; and even if, in a certain point, they have not appeared entirely clear and precise, the explanations furnished by the Cabinet of Copenhagen leave no doubt as to the important concessions made to the States assembled at Itzehoe, of voting the quota of Holstein in the current expenses of the Danish Monarchy for the year 1861-62. This concession must be appreciated by the Powers as fulfilling all legitimate requirements which the Germanic Confederation is entitled to prescribe in favour of the rights of Holstein, as far as the participation of that Duchy in the general expenses of the Monarchy is concerned. But even though at this moment the definitive vote of the States is only known by telegraph, we are already aware that the project presented by the Committee, to which the Royal proposals had been submitted, has been adopted by the States; and one cannot, therefore, entertain the hope that they will obtain the suffrage of the Diet. On the contrary, it appears that these concessions have been wholly rejected, as well in what concerns the bases of the definitive Constitution as in the provisional arrangement and the special Constitution of the Duchy which has only been accepted "sous benéfice d'inventaire," and in the event of the Government acceding purely and simply to the Resolutions of the Diet of Frankfort of March 8, 1860. The Committee charged with this examination, and whose project has been adopted, had decided in its Report on the pure and simple rejection of the bases of the future common Constitution, as not answering in any manner to the wishes of the Duchy; and as to the provisional arrangement, the Committee considers that there is no need for the States to accept it, as this state of things ought to be regulated in conformity with the Resolutions of the Germanic Confederation. On the other hand, it declares that nothing but the re-establishment of the former relations between the Duchy of Holstein and that of Schleswig can re-establish lasting tranquillity, and ensure the happiness and future prosperity of the country.

This attitude, so far from answering to the conciliatory spirit which dictated the

propositions of His Majesty the King of Denmark, and which places the question on ground legally inaccessible to the Germanic Confederation, and consequently to the Duchy of Holstein, since it forms part of that Confederation, offers at least the advantage of explaining the situation and of delineating clearly the only path to follow for the future in order to come to an end of the differences which have too long subsisted between Denmark and Germany, and which form a permanent danger to the maintenance of the general peace of Europe, and particularly the tranquillity of the North. Out of this it incontestably arises, in the first place, that any further attempt to re-organize the Danish Monarchy on the basis of a Constitution common to all its parts must be for ever abandoned as being impossible to be effected; and further, that any attempt towards a direct agreement with Holstein would become fruitless, and that the question must be settled between Denmark and the Germanic Confederation. But as it appears impossible that a satisfactory arrangement can be arrived at between two parties who start from a point of view diametrically opposite, there does not appear to be, if a disastrous conflict is to be avoided, any other course but the mediating intervention of the Powers who are the most interested in avoiding this unhappy result, and who, by previous engagements, have acquired the right to attend to the maintenance of the integrity of the Danish Monarchy, seriously threatened by ill-disguised attempts at encroachment directed against it.

It will appear clear to any one who may have devoted a serious and impartial attention to this question, that all the efforts of the Danish Government to establish a Constitution common to all parts of the Monarchy, on the basis of the declarations made by them in 1852, have failed owing to the ill-will of the German Duchies, supported from without, and that it only remains for them to give to these Duchies a situation which, while securing their rights, and respecting their position as members of the Germanic Confederation, will, at the same time, allow the countries united under the sceptre of His Danish Majesty, which do not form part of the Confederation, to live their ordinary life without being exposed to the encroachments and the perpetual intervention of Germany in the internal affairs of the Monarchy, which are incompatible with its prolonged existence as an independent State. Such an organization could not evidently be carried out but through the cessation of legislative unity, represented by the ancient Council of the kingdom (Rigsraad) common to the whole Monarchy, and by the successive separation of all common interests, on which they will never be able to reconcile the National Representative systems of Denmark and of Schleswig on one side, and those of Holstein and of Lauenburg on the other. This course has been already pointed out, though in our opinion in a manner too incomplete, in the last propositions made by His Majesty the King of Denmark, and which met all the legitimate requirements which could be brought forward in the name of the German Duchies, to which they left entire independence, and at the same time entire influence over the common affairs as far as was compatible with that of the other parts of the Monarchy.

The Powers interested in the maintenance of the integrity of the Danish Monarchy cannot ignore, we feel assured, that this step is now the only one that can be adopted by the Danish Government, and the experience gained of late will convince them how fruitless any attempts in a different sense would be. This conviction has long been that of the Government of the King our Sovereign, and has dictated the advice which in these grave circumstances they have thought it right to offer to the Cabinet of Copenhagen. Now, and notwithstanding the natural hesitation felt by the King's Government in taking the initiative in a question which, even in its consequences, will become of greater importance to them, they do not think they ought to delay any longer in calling the attention of the Powers friendly to and allied with Denmark, to the dangers of the situation, and to endeavour to induce them to see it in the same light, by attempting to prove to them the neccessity of not abandoning Denmark, after making her, in consequence of the good advice given to her collectively by France, Great Britain, and Russia, and which she values, exhaust all means of conciliation towards her German provinces.

The predominant idea throughout the whole of the Report of the Committee of the States of Holstein is the complete return to the ideas of Schleswig-Holstein of 1848, and the absolute domination in the Danish Monarchy of the German element which receives its impulse from Germany. Nothing, then, appears to be left for the Danish Government, who by accepting these ideas would commit a political suicide and bring about such a confusion as would most probably lead to the downfall of the Monarchy, but to open fresh negotiations with the German Confederation. The King of Denmark, taking as his ground the impossibility of coming to any understanding with the States of Holstein, as a result of the last attempt which has been made, might declare himself ready, as Duke of Holstein, to enter into fresh negotiations with the Confederation, to arrange the position of that Duchy towards the other portions of the Monarchy, so as to respect the

Federal rights and obligations of the Duchy, but in such a manner that no right of interference in the internal affairs of the Danish Monarchy should accrue to the Confederation, pointing out at the same time the only path which could lead to this result.

If we are well informed, the Danish Government would not be far from adopting this course in addressing herself simultaneously to Powers her friendly allies, to invoke their support in order to arrive at a solution of her differences with Germany. Although these Powers have constantly declared their willingness to consider these differences, as far as regards Holstein, as an affair exclusively Federal, they cannot however consent that the Federal position which it is wished to impose on the King of Denmark as Duke of Holstein should be such as to endanger the existence of his Monarchy as an independent State.

This Sovereign would consider himself justified in appealing to the example of the Netherlands by demanding of the Powers who framed the Treaties which constituted the Germanic Confederation, that the Duchy of Holstein should be placed on the same footing with regard to Denmark as the Grand Duchy of Luxemburg stands in regard to the Kingdom of the Netherlands. In fact, it appears to us difficult to convince ourselves that the Federal character of the question which belongs to the differences between Denmark and the Confederation, when they arise about the position of Holstein, should prevent those Powers intervening from the moment that their measure involves a question of organization of the Danish Monarchy in its entirety, and especially when the pretensions put forward by the Germanic Confederation are of a nature to compromise its existence as an independent State. From that point the question appears to us to become undoubtedly one of European interest, and to give an incontestable right of intervention to all the Powers interested in the maintenance of a political balance of power in the north of Europe. The point now under consideration is to know if the existence of the Danish Monarchy is still recognized as an interest of the first order, as an European necessity. We think that in this respect the opinion of the Powers is the same as it was in the past; but in that case it follows that they should employ all their efforts not only to prevent the outbreak of a fresh struggle between Denmark and Germany, but also that in profiting by experience they might seriously seek the means of averting once for all the causes of a difference which has already lasted too long, and which constitutes a permanent threat towards the peace of the North.

What are these measures to be? We have considered the matter long and attentively, and we must say that the solution which it appears is likely to be adopted at Copenhagen, and which, had it been accepted when we first proposed it, and before the failure of the late attempt at an arrangement, might have proved satisfactory, now seems to us no longer sufficient, and we are of opinion that it is essential now to adopt a decided initiative which shall have the effect of overcoming at once every cause of disagreement. We communicate confidentially to the Cabinets of London, Paris, and St. Petersburgh our views on this question, and submit them to their enlightened consideration. Even if we do not succeed in convincing them of the expedience and practicability of the solution we are about to propose, we shall at least have the satisfaction of having accomplished, in so far as depends upon us, the task of endeavouring to preserve the integrity of a neighbouring kingdom, and at all events the vicissitudes which may befall this kingdom in default of powerful support will not be imputable to us.

After the many changes through which this question has passed, in the course of the last ten years, it is scarcely to be hoped that the two parties at issue should ever arrive at an understanding; and in fact, the concessions already made by Denmark have only resulted in increasing the pretensions put forward by Germany. It will be necessary, therefore, if it is not intended to leave the solution of this question to the course of events, that the impartial but interested Powers should intervene to establish conditions by which the existence of the Danish Monarchy may be effectively guaranteed, and to impose them afterwards upon the two Parties, in the name of the general interests and peace of Europe.

It would certainly appear to us most desirable, considering the feebleness inherent in so comparatively small a country as Denmark, that its frontier should definitely extend as far as the Elbe, and that Holstein should cease to constitute a portion of the Germanic Confederation. But such a result could scarcely be attained now, except as the result of a war, an eventuality which no doubt all the Powers are interested in averting; and it only remains to examine the conditions under which this Duchy, while continuing a member of the Confederation, may be preserved to Denmark.

I have already said, that to place Holstein in the position that Luxemburg stands in towards the Netherlands, does not seem satisfactory to us. In fact, without taking into consideration the fact that such a position would oppose but a very feeble barrier to the interference of Germany in the affairs of the Duchy bordering upon Schleswig, the obligation

of Denmark to send the military contingent of Holstein to take part in every war in which Germany might be implicated, would always place this Kingdom in a delicate position; for it would thus have either to embrace a cause contrary to its desires and interests, or it would be forced to withdraw from its Federal obligations; in either case it would be in a position which would exclude the independence to which it has an indisputable right.

Judging from the fruitless experiments to which the desire of arriving at a solution of the problem has hitherto given rise, it seems obvious to the Government of the King that it can only be obtained on the following conditions:—

1. Complete administrative separation of the rest of the Monarchy from the Duchy of Holstein, to which should be left the management of its domestic affairs and that of its own army, restricting the business common to all parts of the Monarchy to the allowances for the civil list, to the relations with foreign countries, the marine, and the posts and telegraphs. In this manner the ordinary revenue would be about sufficient for the expenses; and the normal Budget could be established on a fixed and invariable basis, which would only be changed by a mutual agreement between the various parts of the Monarchy.

2. The King of Denmark, having fulfilled his promises as regards the organization of the Duchy of Schleswig, the Powers who signed the Protocol of London, of 1852, should put forth a declaration acknowledging this fact, and guaranteeing the cessation, for the future, of all German interference in the affairs of that Duchy.

3. To insure the efficiency of the two first conditions, it would be necessary to add that of the neutralization of the territory of Holstein, which should be placed under the guarantee of the Powers who signed the Protocol of London.

Having offered these three principal points for the consideration of the Cabinets of London, Paris, and St. Petersburgh, I wish to add a few short observations, which, without exhausting a question that, as a whole, demands the very fullest examination, will touch upon certain questions of detail, which it is essential to elucidate from the very first.

Ad 1. This project being contained in that which would place Holstein in a similar position to that held by Luxemburg, it would seem that the Danish Government could raise no objection, and the Confederation could hardly refuse to one of its members a position which another already occupies without any objection on the part of the Federal authority. As regards the army of Holstein, it might, if the third point were fully carried out, be restricted to a body of gendarmes destined to act as police, and for the maintenance of public tranquillity. It should be understood that Holstein, while preserving its autonomy, should be able, if the States of that Duchy desired it, to obtain the same guarantees and constitutional privileges as the rest of the Monarchy.

Ad 2. The alleged motive of the interference of Germany in the interior affairs of the Duchy of Schleswig has always been the difference of treatment accorded by the Danish Government to its Danish and German subjects. We do not wish to assert that, although bearing strong marks of exaggeration, these complaints appear to us entirely destitute of foundation. But if the Danish Government, whose liberal principles are generally acknowledged, has not thought fit to grant unlimited liberty to the use of the German language, to the exercise of religion, and to education in this language, can there be any other motive than the apprehension that the extension of Germanism may prove a cause of the territorial encroachments of Germany, and also a means by which they may be brought about? These encroachments once for all arrested in the proposed manner, their apprehension would lose, when there was no longer occasion for it, all excuse for practical application; and we do not doubt that the Powers who would support this arrangement would have no difficulty in obtaining from the Danish Government a promise to concede to those of its subjects who are of German race, and who speak the German language, the most complete liberty and privileges identical with those already enjoyed by the Danish inhabitants of the Duchy.

It would, perhaps, be well to allude here to a mode of solution suggested some years ago, which consists in a proposed partition of Schleswig between Denmark and Holstein according to their respective nationalities. This project, although it appears at first sight to offer many specious advantages, is not, in our opinion, likely to decide the dispute. It is very repugnant to Denmark, which, we are convinced, would only be induced to submit to it by force; and it would not be more popular in Holstein, which would not be likely to regard this concession as a sufficient one. It appears to us to be wrong in principle, since it admits that the character of the soil would be changed in virtue of a foreign immigration, and it would include, in our opinion, a flagrant injustice by augmenting the territory of a great Power to which Schleswig has never belonged, at the expense of a Power already

relatively much more feeble. Besides, to establish a frontier according to nationality, would be to take a stand upon untenable ground; and such a principle once recognized, the German element would extend itself to the Skagern by successively claiming as belonging to Germany the districts in which this element would gradually have acquired preponderance which, if this point were once admitted, would certainly not be wanting.

The proposed declaration on the part of the Powers who signed the Protocol of London does not contain for most of them any innovation on their public right. The indissoluble union of the Duchy of Schleswig with Denmark, properly so called, has been, as you are aware, M. le Comte, guaranteed at different times: on the part of France by the Act of Guarantee of June 14, 1720; on the part of Great Britain by the guarantee dated the 26th of July of the same year; and on the part of Russia by the Provisional Treaty of May 22, 1767; by the Final Treaty of the 21st of May, 1773, and also by the Act of Guarantee and Renunciation of the 31st of May, 1773; and, lastly, on the part of Sweden, by the Treaty of the 3rd of June, 1720. It will then only be necessary to introduce into the general public law of Europe a provision which has already been inserted in that of each of the declaring Powers.

Ad 3. If the principle of the neutralization of Holstein, with a view to the establishment of a barrier between Germany and Denmark, were once admitted, it would be necessary then to inquire what modifications would result from this state of things in the relations of the Duchy with the Confederation, and if it would not be well to replace the contingents of that Duchy and of Lauenburg by a fixed sum, to be paid annually into the Federal Treasury, and which should be calculated to be equivalent to the maintenance of the troops of which the 10th division of the Federal army would thus be deprived.

We do not conceal from ourselves that these three propositions, and especially the last, will meet with strong opposition from Germany; and they cannot be carried into effect except in virtue of European necessity to be recognized by a previous understanding of the non-German Powers who agreed to the Convention of London. The losses and sacrifices to which the Confederation would be exposed from its acceptance of them would naturally give rise to a just and suitable compensation.

We do not conceive it to be our duty, M. le Comte, as I have already stated, to make a formal proposition upon this point, but we believe we are justified in calling the attention of the Cabinets concerned to the only mode of solution which is in our opinion practicable. It cannot be denied that the Government of the King our august Sovereign is deeply interested in the termination of a dispute which weighs upon our future, and which, if nothing is done to decide it, will sooner or later bring about a conflict from which it will be very difficult for us to stand aloof. In taking the initiative in proposing an agreement which, by insuring the continuance of good relations between them, would seem likely to conciliate the interests of both parties, we have tried, as far as we could, to remove the possibility of eventualities which none of the Powers concerned could view with indifference, and which we, more than any one else, have reason to deprecate.

I have to instruct you, M. le Comte, to take an early opportunity to communicate to Lord Russell the contents of this despatch, and if his Excellency should desire it, to leave a copy of it in his hands, which is to be considered confidential. I transmit at the same time similar instructions to the Ministers of the King at Paris and at St. Petersburgh; we hope to be informed in course of time of the views of the Cabinets upon the points to which we have called attention.

Receive, &c.
(Signed) MANDERSTRÖM.

No. 30.

Mr. Ward to Lord J. Russell.—(Received April 12.)

My Lord, *Hamburgh, April* 10, 1861.

WITH reference to my despatch of the 26th ultimo, mentioning that the States of Holstein had, in accordance with the Report of their Committee, rejected the first part of the Government propositions relative to the organization of the Monarchy, I have now the honour to apprise your Lordship that the States, in their yesterday's sitting, further resolved, in accordance with the Report of the Committee, as follows:—

To reject the project of Law forming the second part of the Government propositions touching the provisional position of Holstein in regard to the common affairs of the Monarchy;

To accept with certain modifications the project of Law forming the third part of the Government propositions, being a new special Constitution for Holstein, but only on condition that the Provisorium for Holstein, resolved on by the Federal Diet March 8, 1860, shall take effect, which condition amounts to a rejection of the project, as the Danish Government has no intention to introduce the Provisorium;

To notify to the Federal Diet the objections entertained by the States to the Government propositions.

The States also resolved yesterday upon the question of the Budget—

That the Assembly declined to enter, in the way proposed by the Government, upon a discussion of the propositions designated as a Budget for the share of the Duchy of Holstein in the common expenditure and receipts for 1861-62, and that a paragraph conformable to this declaration should be inserted in their objections.

This last Resolution was founded upon a supplementary Report of the Committee.

This supplementary Report is divided into three heads, Under the first is contained a formal declaration that no Budget for the Monarchy had been laid before the States. Under the second are explained the reasons why it would have been useless for the States to treat as a Budget the proposals of the Government, as it was clear that a veto would not be allowed them. The third head vindicates the competency of the States to lay their complaints before the Federal Diet.

It is supposed that the Assembly of the States will be dissolved to-morrow, as their further sitting cannot be attended with any utility.

The Danish Government must have known from the beginning that their proposals would not be acceptable to the States, and that the latter would not consider the so-much talked of Section 13 as a formal Budget, such as would satisfy the demand of the Federal Diet. The Danish Government does not, therefore, appear to have been sincerely desirous of complying with the Resolution of the Diet, and of thereby averting the impending Execution.

I have, &c.

(Signed) J. WARD.

No. 31.

M. Hall to M. de Bille.—(*Communicated to Lord J. Russell by M. de Bille, April* 15.)

Monsieur, *Copenhague, le* 11 *Avril*, 1861.

VOUS connaissez déjà, par les journaux, et les conclusions auxquelles les Etats Holsteinois se sont arrêtés et les prémisses par lesquelles ils ont motivé leurs résolutions. En attendant que je revienne bientôt plus explicitement sur le résultat à tant de titres déplorable de ces discussions, je n'ai pourtant pas voulu tarder à en signaler dès à présent à votre attention quelques points des plus marquants.

Relativement à un ordre de choses définitif les Etats ont déclaré :—

1. Que l'autonomie ("Selbständigkeit") des différentes parties de la Monarchie n'admettrait pas la formation d'une représentation commune, notamment que leur droit à une position égale entre elles ("Gleichberechtigung") ne comporterait pas qu'elles fussent représentées dans une Assemblée commune proportionnellement à leur population ; et

2. Que la seule issue des difficultés actuelles serait de reconnaître l'union entre le Slesvig et le Holstein, puis de rattacher par une alliance étroite le Danemarc à l'Allemagne.

Dans son Rapport, qui repousse entièrement et d'une manière presque dédaigneuse le réglement provisoire proposé par le Gouvernement, le Comité s'est répandu en véritables invectives contre l'administration intérieure du Slesvig, et bien que le Commissaire du Roi ait dû prévenir les Etats de l'impossibilité dans laquelle se trouverait le Gouvernement de mettre sous les yeux du Roi un document d'une telle nature, l'Assemblée n'a pourtant pas vu dans cet avertissement la raison de modifier le langage inconvenant du Rapport.

Enfin les Etats ont refusé d'entrer dans aucune délibération sur le Budget fixant la part contributive du Holstein aux dépenses communes qui leur avait été soumis par suite du § 13, en alléguant—

1. Qu'un Budget complet des dépenses de la Monarchie, comprenant également les parts contributives du Royaume et du Slesvig, leur aurait dû être soumis, après

que les lois supplémentaires de finances votées par le Rigsraad exclusivement pour le Royaume et le Slesvig auraient été annullées.

2. Que, eussent-ils été saisis du Budget en entier, ils ne seraient pourtant pas entrés dans une délibération quelconque là-dessus, attendu que le Gouvernement, dans la circulaire du 22 Mars, avait déclaré qu'en soumettant aux Etats le Budget, il n'entendait pas par là reconnaître un droit quelconque ou créer un précédent qui tirerait de conséquence pour l'avenir.

3. Enfin, que même si le Gouvernement leur avait soumis le Budget entier en conformité exacte de leur interprétation du No. 1 de l'Arrêté Fédéral du 7 Février, ils n'auraient pas moins décliné toute invitation à en délibérer; "car le Comité regarde comme nécessaire que l'Assemblée, tant qu'un réglement en tout point satisfaisant ne peut être obtenu, s'abstient de toute démarche qui puisse anticiper d'une manière quelconque sur la décision du différend entier d'après le droit Fédéral et les Traités."

Ces points saillants suffiront pour donner à tout le monde une idée de l'esprit dont est animée cette Assemblée.

Le Député Rantzau-Seeburg mérite en tout cas des éloges pour sa franchise lorsqu'il dit dans la dernière séance:—

"On n'aura pas besoin de lire entre les lignes du Rapport pour s'apercevoir que, si nous n'engageons pas directement la Diète à user de la force, nous comptons toutefois avec confiance sur des mesures de cette nature."

En effet, les Etats semblent avoir pris pour but de leurs efforts, non pas d'aller au devant d'une solution pacifique, mais de pousser à une Exécution armée avec toutes les suites incalculables d'un tel événement.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, April* 11, 1861.

YOU have already learnt, from the newspapers, both the conclusions on which the Holstein States have determined, and the premises by which they have been led to their resolutions. Before taking a more explicit review of the result of these discussions, which is to be deplored for so many reasons, I have still been unwilling to lose any time in calling your attention to some of the most remarkable points.

With regard to a definitive order of things the States have declared:—

1. That the autonomy ("Selbständigkeit") of the different parts of the Monarchy would not admit of the formation of a common representation, and particularly that their right to an equal position among themselves ("Gleichberechtigung") would not allow of their being represented in a common Assembly in proportion to their population; and—

2. That the only solution of the present difficulties would be to recognize the union between Schleswig and Holstein, and then to unite Denmark with Germany by an intimate alliance.

In its Report, which rejects entirely and in a manner almost contemptuous the provisional arrangement proposed by the Government, the Committee has indulged in positive nvectives against the internal administration of Schleswig, and, although it was the duty of the Royal Commissioner to warn the States how impossible it would be for the Government to place a document of such a nature under the eyes of the King, still the Assembly did not see in this warning any reason for modifying the unbecoming language of the Report.

Finally, the States have refused to enter into any deliberation on the Budget which fixes the contributive share of Holstein in the common expenses which had been submitted to them in accordance with §13, alleging:—

1. That a complete Budget of the expenses of the Monarchy, including equally the portions to be contributed by the Kingdom and Schleswig, should have been submitted to them, after the supplementary financial laws voted by the Rigsraad for the Kingdom and Schleswig exclusively had been repealed.

2. That, had the whole Budget been submitted to them, they would still not have entered on any deliberation thereupon, as the Government in their circular of the 22nd of March had declared that, in submitting the Budget to the States, they did not mean thereby to recognize any right or to establish a precedent which might lead to consequences in future.

3. Finally, that, even if the Government had submitted to them the entire Budget in exact conformity with their interpretation of No. 1 of the Federal Resolution of the

7th of February, they would none the less have declined any invitation to deliberate thereupon; "for the Committee considers it necessary that the Assembly, so long as an arrangement in all points satisfactory cannot be obtained, should abstain from any step which might anticipate in any manner the solution of the entire difference according to Federal Law and Treaties."

These salient points will be sufficient to give all the world an idea of the spirit by which this Assembly is animated.

Deputy Rantzau-Seeburg at all events deserved commendation for his candour when he said in the last sitting, "There will be no necessity to read between the lines of the Report in order to perceive that, if we do not directly entreat the Diet to use force, still we count with confidence on measures of this nature."

In fact the States seemed to have proposed, as the object of their efforts, not to provide for a pacific solution, but to urge on an armed Execution, with all the incalculable results of such an event.

I have, &c.
(Signed) C. HALL.

No. 32.

Lord Bloomfield to Lord J. Russell.—(*Received April* 15.)

My Lord, *Vienna, April* 11, 1861.

WITH reference to your Lordship's despatch of the 3rd instant, requesting me to state my opinion as to whether the Budget of the Danish Monarchy, and especially that for the year 1861-62, has been *bonâ fide* submitted to the States of Holstein, I have the honour to lay the following consideration before your Lordship.

The Danish Government have undoubtedly brought the Budget before the States by submitting to them the Provisional Constitution of Holstein, the 13th Article of which contains the Budget. They have, moreover, I believe, explained by their Commissioner that the Article in question gives to the Estates the opportunity of voting on, accepting, or amending the Budget, even if they should reject all the other Articles of the Provisorium. At first sight it would appear that this interpretation of Article 13 really gave to the States the power of dealing with the Budget as they pleased; but it is evident that the States did not take this view of the matter, and Mr. Ward reports an important fact in stating that, to the question as to whether the entire Project of Law being submitted to them empowered the Diet to say Yes, or No, to the items of the Budget, the Royal Commissioner was unable or unwilling to give a direct answer. It strikes me that this reticence on the part of the Royal Commissioner is inconsistent with the assertion that a discussion of Article 13 of the Constitution is tantamount to giving to the States the power of criticising and controlling the Budget in detail. It is to this right that the States lay claim, but whether the claim is legally admissible iuvolves a question of Constitutional Law, on which the knowledge I possess does not enable me to give an opinion.

The answer to your Lordship's question depends, therefore, upon the interpretation to be given to the term *bonâ fide*, and I am inclined to think that if that term is held to imply only the submission to the States of the Budget *en bloc*, the Danish Government must be considered as having satisfied its conditions. If it be ruled, on the other hand, that the term implies the submission to the Diet of the Budget in detail, I apprehend that the inability of the Royal Commissioner to give a distinct reply to the question put to him implies at least that the Danish Government had not, at the date of Mr. Ward's despatch, consented to a *bonâ fide* discussion of the Budget in the broadest signification of the term.

I have, &c.
(Signed) BLOOMFIELD.

No. 33.

Mr. Ward to Lord J. Russell.—(Received April 15.)

(Extract.) *Hamburgh, April 12, 1861.*

I HAVE the honour to inform your Lordship that the extraordinary Session of the States of Holstein at Itzehoe was yesterday closed.

The President informed the Assembly that the Royal Commissioner had refused to receive the objections of the States to the Project of Law for fixing the position of Holstein in regard to the Monarchy, on account of the declaration contained in those objections respecting Schleswig. The objections would, therefore, be deposited in the archives of the States.

The President then took leave of the Assembly in a moderate and dignified speech, of which the substance was as follows:—

After recapitulating the course of the proceedings, and vindicating the composition of the Committee of Eleven by whom the Government propositions had been examined, the President remarked that the plan of two Chambers, one of which to be named by the King, was obviously inadmissible, as it would have placed the German nationality at the feet of a Danish majority. The project of a new special Constitution for Holstein contained some improvements, but could, of course, only be accepted in connection with that position in regard to the Monarchy to which the Federal Diet had declared Holstein to be entitled.

With reference to the so-much-discussed Section 13, and the question of the Budget, the President relied on the Report of the Committee as demonstrating that no Financial Budget, either for the common affairs of the Monarchy, or for the share of Holstein, had been laid before the Assembly (viz., for its deliberative vote). The Government must have known beforehand that the States would not go into such propositions as those made to them. He regretted that the President of the Council, M. Hall, had not himself appeared as the Royal Commissioner. He hoped that those foreign Powers which interested themselves in the affairs of the Danish Monarchy would find out that they had been erroneously led to suppose that the Budget for the Monarchy, or for the share of Holstein, had really been submitted to the States. He protested against the conduct of the Danish party whose programme was the Constitutional union of all parts of the Monarchy, accompanied by a perpetual ascendancy of the Danish nationality. He referred to the obligations which the Government was under to the Germanic Confederation, claimed the fulfilment of those obligations, and, whilst admitting that the integrity of the Danish Monarchy was an European necessity, contended that such integrity could only be secured by means the very reverse of those which the Danish Cabinet had hitherto followed.

No. 34.

Lord A. Loftus to Lord J. Russell.—(Received April 15.)

My Lord, *Berlin, April 13, 1861.*

SINCE the date of Mr. Ward's despatch (the 26th of March) to which your Lordship refers in your despatch of the 3rd instant, a further development of the contended question as to whether or not the Danish Government have submitted the Budget (and especially that for 1861-62) to the Holstein States has taken place, and although every opportunity has been offered to the Danish Government to clear up this dubious point, no satisfactory conclusion has been arrived at.

It would appear natural to all impartial persons that, on an occasion when the precise nature of so important a measure is imperatively called for, not only to facilitate an understanding between two portions of one and the same Monarchy, but also to prove to Europe the truth and sincerity of a Government, that a Government so placed would have cleared up all doubts, and have unhesitatingly declared the nature and extent of the concessions granted, and the interpretations which they bore. It must be admitted, however, that the conduct and dubious language of the Royal Commissary, who was unable, when appealed to, to interpret or explain the nature of the proposals which he had been charged by his Government to make, gave strength to the suspicions entertained by the States, and authorized that Body to consider the Budget as not having been submitted to their deliberation.

In reply to your Lordship's despatch requesting my opinion as to whether I consider that the Budget, and especially the Budget for 1861-62, has been *bonâ fide* submitted to the Holstein States, I have the honour to state that, according to my opinion, the 13th paragraph of the Danish proposals may be said to contain the outline of a Budget; but that neither the form in which that Budget has been submitted, nor the mere consultative faculty accorded to the States with reference to it, authorize it to be viewed in the ordinary light of a Budget submitted to the revision and decisive vote of a Representative Body.

The right of voting a Budget by a Representative Body implies their right of examining the Budget in all its details, and of rejecting any separate portions of it. But the 13th paragraph of the Danish Proposals does not submit the Budget in detail, but merely enumerates certain aggregate sums, over which even the States are not to have a decisive vote.

In order to define more clearly what are the details of the Budget to which I refer, I have the honour to inclose herewith an official statement of the Danish Budget, in which your Lordship will find enumerated and classified, from page 1 to page 94, the common expenses of the United Monarchy.

With reference to the Budget for 1861-62, it is expressly stated, in the 13th paragraph, that the provisions of that Budget are to be regulated in accordance with the Royal Patent of 1859, which fixes absolutely the sums to be paid by Holstein towards the common expenses of the Monarchy, thus depriving the States of the power of any decisive determination with respect to them. I am consequently of opinion that, in a Constitutional sense, the Budget cannot be said to have been submitted to the States of Holstein for their examination and decisive vote.

At an interview I had, yesterday, with Baron Schleinitz, I took occasion to ask his Excellency what opinion he had formed on this point.

His Excellency stated that he did not consider that the Danish Government had fulfilled the requirements of the Holstein States, for that in no Constitutional country would a Representative Chamber view the terms of the 13th paragraph in the light of a Budget. But his Excellency added that, in his opinion, the States of Holstein would have acted more prudently and wisely if they had consented to have accepted the 13th paragraph in the light of a Budget, and to have entered on a discussion of it. They would thereby have tested the value of the professions of the Danish Government, and would have ascertained how far any vote to which they might have come would have been respected by the Danish Government. As matters now stood, the States had refused all the Danish proposals, and the matter would have to be referred to the Diet.

For your Lordship's more complete information, I beg leave to annex a very able Memorandum, drawn up by Mr. Morier, which gives a very clear elucidation of the point as to whether the Budget for the common expenses of the Monarchy is to be considered as having been submitted to the Holstein States.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 34.

Memorandum on the Question as to whether or not a Budget for the Financial year 1861 *was submitted to the Holstein States.*

THE best method to be used for establishing the fact as to whether or not the Budget, and specially the Budget for 1861-62, had, up to the adjournment of the States on the 28th ultimo, been *bonâ fide* submitted to the Holstein States, would seem to consist in examining carefully, and without bias, the text of the various official communications by which the intentions of the Danish Government were made known to the States of Holstein in connexion with the demands of the Federal Diet, to which the present negotiations between the Danish Government and the States owe their origin.

In an investigation of this kind it is the more necessary to reduce the controversy to these its simple and primary elements, as the tendency has of late undoubtedly been so to overload it with technicalities and extraneous matter as considerably to increase the difficulty of keeping the general bearings of the question distinctly in view.

The demands of the Diet formulated in the Dietal Decrees of March 1860 and

February 1861, claim for the States of Holstein, until such time as the Danish Government and those States shall have come to a definite arrangement respecting the common Constitution of the United Monarchy, an equality of legislative rights with the Legislative Assembly of the remaining parts of the Danish Monarchy, *i. e.*, the Rigsraad.

In the first of the two Decrees above-named, that claim is put forward in the form of a general principle; in the latter it has special reference to the Budget for the financial year, commencing with the 1st of April, 1861, and ending with the 31st of March, 1862; the reiteration of the claim, and the special reference to the Budget, having arisen from the disregard of the Danish Government to the Decree of March 1860, put upon formal record by the publication in July 1860, in the form of a Royal Ordinance, of the quota to be paid by Holstein to the common expenses of the Monarchy, as based upon the Royal Patent of September 1859.

By these respective acts on the part of the two parties to the suit, the controversy (for the present at least) had really been narrowed down to the question as to whether or not the Danish Government would agree to the principle of equal legislative rights between the Danish and Holstein Assemblies, as embodied in the particular act of submitting the Budget for 1861-62 to the deliberative vote of the States, that is, to a vote which should be binding in its effects upon that portion of the public income of the United Monarchy for which the Duchy of Holstein was to be assessed; and it cannot admit of a doubt that the *bonâ fide* submission of this Budget to this vote would have been a compliance with the demands formulated in the Dietal Decrees, and would, on the part of the Diet, have been considered as such.

We will now turn to the communications made by the King of Denmark to the States of Holstein.

The first of these is the Royal Message, dated the 2nd of March of the present year, and communicated to the States on the 6th.

In this Message the following passage occurs with reference to the claims of the Diet:—

"Since it has appeared to us impracticable to give effect to the demands put forward in the Dietal Decree of the 8th of March, 1860, we have caused a Project of Law to be drawn up, with reference to the provisional position of the Duchy of Holstein respecting the common affairs of the Monarchy, and we have commissioned our Commissary to lay the same before the Assembly."

In this passage the Danish Government clearly refuses to recognize the claim of the Diet to the Legislative equality of the two Assemblies (in virtue of which general claim, the special claim respecting the Budget was made in the Decree of February 1861), and in lieu thereof a set of measures for the regulation of the provisional position of Holstein, based upon another and a different principle from that laid down by the Diet, are announced.

If we now turn to the draft of Law containing these measures and endeavour to get at their natural and unrestrained meaning, we shall find that the principle laid down is this, that a fixed sum having once for all been appointed as the quota which Holstein is to pay towards the common expenses of the country, the States are to be invested with the contingent right of a decisional vote with reference to the augmentation of this quota. As regards the settlement of the fixed quota, or normal Budget, two points are to be observed:—

1. That in the absence of a special amendment, to the effect that the States had been invested, in the discussion of this fixed quota, with a deliberative, *i.e.*, a decisive vote, no other inference was possible but that on this point their vote would be a consultative one only; and that no other vote was intended, has been since clearly stated by the Danish Government.

2. That it was distinctly stipulated that the Budget for the current financial year, from the 1st of April, 1861, to the 31st of March, 1862, was not in any way to be affected by any deliberations of the Assembly with respect to the fixed quota, as for the current financial year in question the provisions of the Royal Patent of September 1859 were to be peremptory.

The two paragraphs of the draft of law specially connected with these points are the 2nd and 13th, viz.:—

§ 2. "Changes in the existing legislation respecting taxes and dues of every kind in the Duchy of Holstein which are to flow into the common Treasury, viz. the Domains, the Customs, the Eider Canal tolls, the Post Office, the Telegraphs,

&c., are not in future to be made without the previous assent of the States of the Duchy of Holstein."

§ 13. "In covering the common expenses of the Monarchy, a fixed yearly quota, not to be augmented without the assent of the States, shall be assessed upon the Treasury of the Duchy of Holstein, viz.: For our Civil List, 173,000 dollars; for the appanages of our Royal House, 80,000 dollars; for our Privy Council, 15,000 dollars; for the Public Debt, 1,187,000 dollars; for our Ministry of Foreign Office, 52,000 dollars; for our Marine Ministry, 440,000 dollars; for our Finance Ministry, 133,000 dollars. Moreover a quota of $21\frac{64}{100}$ per cent. of the common expenditure of the country towards common pensions, &c. Should the public debt be diminished, the Treasury of the Duchy of Holstein is to be credited, with reference to such diminution, in the ratio of $21\frac{64}{100}$; on the other hand, the Duchy will have in the same ratio to bear the deficit of the common Widow's Fund.

"For the financial year from the 1st of April, 1861, to the 31st of March, 1862, all the provisions of our Decree of the 23rd of September, 1859, relative to the quota to be paid by Holstein towards the common expenses of the Monarchy for the financial period between the 1st of April, 1860, and the 31st of March, 1862, shall remain in full force."

With regard to the above paragraph, which contains the whole of the so-called Budget said to have been submitted to the Assembly, it should be remarked that it only states the sum to be paid by Holstein towards the several branches of the public service, without giving any information as to the sums contributed by the other portions of the Monarchy, as also without any information with regard to the manner in which the money so required is to be employed in the several branches of the public service for which they are destined; consequently, that it furnishes none of the data upon which, in the ordinary constitutional acceptation of the term "Budget," a Legislative Assembly could be called upon to deliberate with regard to ways and means.

From the above it would seem clearly established:—

1st. That in the usual sense of the term no Budget had been submitted to the States of Holstein up to the period of their adjournment on the 28th March; but that they had been only called upon to discuss a quota to be fixed once for all as their contribution to the common expenses of the Monarchy.

2ndly. That this quota was only submitted to them for discussion, without any guarantee being given that any vote they might come to with respect to it would be considered as other than a consultative vote, and as such not binding.

3rdly. That whatever results might be come to with respect to this quota, they were in no wise to affect the Budget for the current year 1861-62, which was settled once for all by the Ordinance of February 1859.

The exact state of the case, and the interpretation given to the term "Budget" by the Danish Government when used by them in reference to a Bill submitted to a Danish Assembly, and one submitted to a Holstein Assembly, will, perhaps, be most clearly apprehended by a cursory examination of the documents herewith inclosed: the one being the Budget actually assented to and decided upon by the deliberative, *i.e.*, the binding vote of the Rigsraad; the other being that submitted to the consultative vote of the Holstein States with, it should be remembered, a prospective and contingent validity only.

No. 35.

Sir A. Malet to Lord J. Russell.—(Received April 15.)

My Lord, *Frankfort, April 12, 1861.*

IN reference to the contingency of Military Execution in the Danish Duchies, I learn that Prussia has intimated that if she is to undertake the occupation with her own troops alone, she must decline any responsibility to the Diet, and that she is willing to act on that condition. This, however, the Prussian Cabinet says is by no means the wish of the Government, and they have proposed that one-third only of the troops to be employed should be Prussian, one-third Austrian, and one-third selected from other contingents.

Austria declares her inability to concur in sending troops; and the other Governments also, as I am assured, desire to avoid actual participation in the

military occupation, but by no means assent to Prussia being emancipated from control by the Diet in carrying out a measure directed by the central organ of the Confederation.

I have, &c.
(Signed) A. MALET.

No. 36.

Sir A. Malet to Lord J. Russell.—(*Received April* 15.)

My Lord, *Frankfort, April* 12, 1861.

THE President of the Diet and M. d'Usedom are only expected to return to Frankfort to-day; there was consequently no sitting held yesterday, but one will take place to-morrow, in which, as I am informed, the Danish Envoy will lay before the Diet a report of the state of affairs at Itzehoe.

There is every reason to apprehend that his Excellency's statement will be rather calculated to delay any active measures on the part of the Diet than to lay before the Assembly a satisfactory representation.

I have been endeavouring to ascertain the dispositions of the members of the Diet, and to discover whether the probabilities were in favour of dilatory or peremptory proceedings towards Military Execution, in view of such a communication as must be made by M. Bülow; but I find that no one is inclined to give an opinion till that of the Prussian Cabinet is divulged through M. d'Usedom.

The impression I receive is that the Diet will not receive the Danish declaration favourably, though it is not easy to see how that Government is to retrace its steps so far as to submit the whole of its Budget to discussion, which is the point seemingly insisted upon at Itzehoe.

I have, &c.
(Signed) A. MALET.

No. 37.

Mr. Paget to Lord J. Russell.—(*Received April* 16.)

My Lord, *Copenhagen, April* 12, 1861.

ALTHOUGH your Lordship will probably have received, ere this, from Mr. Ward the Report of the Committee of the States of Holstein on the Budget question, I think it my duty nevertheless to inclose a copy of it, together with a translation, which has been made by Mr. Rainals.

The Report concludes with these words, "That it (the Assembly) enter not upon the discussion of the proposals which have been laid before it as a Budget for the Duchy of Holstein's portion of the common expenses and revenues for 1861-62 in the manner suggested by the Government, and that it enter a paragraph in its Report corresponding with this declaration."

The Assembly having adopted this Report, the additional time allowed for the discussion of the Budget became unnecessary, and the extraordinary Session was brought to a close yesterday.

The grounds on which the recommendation of the Committee is based are, that according to their notions no Budget has ever been, or is now, in the last instance, submitted to the Assembly. All that has been laid before the Assembly, says the Report, is the Royal Resolution of September 23, 1859, which contains an enumeration of Holstein's contributive share to the common expenses and revenues for the financial years 1860-62, in ten principal sums for expenses and nine sums for revenues; the materials required to vote on a Budget are not present, and nothing has indicated the meaning which the Government now desire to attach to the 13th paragraph. It was only, adds the Committee, after the first reading of the proposed provisional arrangement had been closed that some expressions of the Royal Commissioner led to an inquiry being made which induced that functionary to state that the Government would no doubt sanction a separate consideration of the Royal Ordonnance alluded to. If, therefore, the Government intended from the commencement to allow the Assembly a free discussion of the Budget, the means which they took to make known that intention have entirely failed. With regard to the opportunity which is again offered for this, aided by the accounts which are placed

at the disposal of the Assembly to enable it to judge of the financial requirements, &c., the Committee is of opinion that it should be refused, because, notwithstanding the expressions which would appear to the uninitiated to indicate that the vote of the Assembly would be decisive, it would in reality have only the character of a proposal; and, moreover, any reduction in the expenses voted by the States in the quota to be contributed by Holstein would not extend to the share contributable by Denmark or Schleswig, unless the sanction of the Rigsraad was obtained to a similar reduction. In other words, the Committee are of opinion that the Assembly should not vote on the Budget for Holstein unless the Budget of the other parts of the Monarchy is to be regulated thereby; and they therefore recommend the Assembly to rely on the Federal Resolution of March 1860.

It cannot, I think, be disputed that the observations of the Committee are well founded as to the difficulty, if not impossibility, which existed of ascertaining the intentions of the Government as explained in their last communication, from the way in which the Royal Ordonnance of September 1859 is mentioned in the 13th paragraph of the proposed provisional arrangement, and the replies of the first Royal Commissioner to the inquiries addressed to him were not of a nature to reassure the Assembly on the subject. The Committee is also, strictly speaking, justified in saying that the vote of the Assembly would only have the character of a proposal, although had the Committee been animated by a conciliatory spirit and a desire to meet the Government half-way, the communication of the 4th instant would have afforded ample ground for recommending the Assembly to enter upon an examination of the financial question with the certainty of its vote being sanctioned. It is, however, much to be regretted, in the interests of the Danish Government, that any reserve whatever should have been made upon this point; because even if the Assembly had been invested with an absolute and decisive vote over the Holstein share of the Budget, it is clear from the other pretensions put forward by the Committee that the result would have been the same as it is now, and the Danish Government would have been in the advantageous position of having acted completely in accordance with the advice of the Great Powers, and of having thus placed it out of the power of the Holstein States to assert that the same competence was not granted to them over the Budget of Holstein as is possessed by the Rigsraad over that of the other parts of the Monarchy.

In consequence of the allusions to Schleswig in the Report respecting the Provisorium the Royal Commissioner refused to accept it, and the President in announcing this fact to the Assembly made a closing speech in which he strongly censured the Danish Ministry.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 37.

Report of the Committee of the Assembly of States at Itzehoe on the Question of the Budget, dated April 7, 1861.

(Translation.)

AT the Meeting of the 25th of March the Committee have, through the Commissioner, made the following inquiry: If, in section 13 of the Project of a Law respecting a Provisorium, the Budget for revenues and expenses for the common affairs of the Monarchy has been laid before the Assembly of States for their resolution. In reply to this followed the communication read by the Commissioner during the meeting of the 4th instant. In the last part but one of the same, the question is repeated, with the exclusion of the important words, "for resolution;" and in the last part appear the following words: "As far as the question regards the Budget for the whole Monarchy; consequently, also, the portion concerning the common expenses and revenue of the Kingdom and Schleswig; then such an one is not laid before the States. But a Budget is laid before the States with respect to Holstein's portion of the common expenses and revenues for 1860-62, and it is proposed to them to come to a resolution on the subject, as far as the financial year 1861-62 is concerned, which then eventually could replace the Royal Resolution of September 23, 1859."

1. Of this reply, the first—the negative part—is alone based on truth. It is true that the Budget for the Monarchy is not laid before the States. The positive part of the reply is, on the contrary, not true: moreover, no Budget can be said to have been laid before the States.

When a Budget is presented to an Assembly of States for discussion, nothing can be understood by such act but a preliminary proposal, respecting revenues and expenses, which are later to be fixed. From the very commencement nothing has been communicated to the States beyond the Royal Resolution of September 23, 1859, which was published in the "Gesetzblad" of that year, and by which the portion of the Duchy of Holstein in the common revenue and expenses is already fixed for the financial period 1860-62.

It is true that the Committee have later received (on the 5th of the present month) the proposals referred to in the reply of the Commissioner, though but in one written copy. But these contain, independent of the sums named in the Royal Resolution, nothing but a review of the portion of these sums in the different accounts for the year 1861-62, which are in excess of the Normal Budget of February 28, 1856. The position of the question is, consequently, this day, the same as at the commencement of the Diet: "A Budget has, after all, not been laid before the Assembly of the States."

2. But the Committee have, in duty, felt bound to take under special consideration whether the Government have, perhaps, only adopted a mode of proceeding, with respect to the States, otherwise not usual in Budget questions; and whether the Assembly, with the same chance of success as if an ordinary mode of proceeding had been adopted, would not be able to enter upon a discussion respecting the financial position of Holstein with regard to the common affairs of the Monarchy for the financial year 1861-62.

Several expressions in the communication of the 4th instant appeared particularly to suggest such an examination. It is, for instance, said in the introduction to the same that the Royal Resolution has from the commencement had in view, by a special provision, to give the States an opportunity to vote the Budget for Common Affairs for the financial year 1861-62, so far as concerns Holstein; that this has been done by the insertion of the last passage in section 13 of the Project of Law respecting the provisional position of the Duchy, and that by this insertion the Resolution of September 23, 1859, has been laid before the States, for their discussion and resolution to the same extent, and with a similar effect, as the other provisions of the said Project of Law.

If this has been the intention of the Government from the commencement, then the Committee must regret that no means were afforded the Assembly to learn such intention. The Royal Resolution of September 23, 1859—the only document that can be taken into consideration in this question—which has been before the Assembly from its opening until April 5, contains nothing but an enumeration of Holstein's quota-parts to the common expenses and revenues for the financial period 1860-62, in ten principal sums for expenses, and in nine sums for revenues; and further, the provision that the needful contribution from the special revenue of the Duchy of Holstein to the common expenses shall be fixed at 908,880 rix-dollars for the financial period 1860-61, and that the same sum shall not be exceeded in the following year. More is not given by the Royal Resolution.

It is not true that the Resolution is inserted in section 13 of the Project of Law presented—it is only referred to therein, and only given as an annex to the preamble ("motifs"). From the preamble it appears still clearer than from the words in section 13, that the question was only in how far the provisions in the Project respecting the financial position of Holstein should come into operation immediately, or on the 1st April, 1862; it is there specially stated that the grants for the financial years 1860-62 have been long made. That the separate estimates in the Royal Resolution should be laid before the States for examination was not intimated by a single word; the briefness of the period allowed the Assembly admitted of no such interpretation. Some expressions, by which the Commissioner under the first discussion referred to section 13, caused the Committee to inquire whether it was considered that by the last part of said section a Budget for the financial year 1861-62 had been presented to the Assembly: the question remained unanswered.

The said concluding sentence appeared only to be a transitory provision, provided the Project of Law were accepted, and nothing indicated that its contents would eventually also become an independent matter of discussion, after the first discussion had been closed, and only re-opened as a consequence of the doubts daised by the expressions of the Commissioner.

This functionary stated "that the Government no doubt would have given their sanction to such an independent discussion." The materials required to vote

on a Budget were not present, and nothing indicated the intention which the Government now desire to attach to section 13. On the contrary, it was expressly declared in the Royal communication, that it appeared impossible to the Government to comply with the Resolution of the Confederation of March 8 last year, and consequently it was impossible to suppose that they would tacitly comply with one of its most important demands, the presentation of the Budget. If, therefore, the Government really, from the beginning, intended to afford the States an opportunity to vote on the Budget, then they have certainly chosen a means which has entirely failed.

But it is further stated to the Assembly that the same opportunity is still offered to the States; the said accounts have been furnished to the Committee; and it is said in the communication that the States, with the assistance of these materials, will be in a position to judge of the financial requirements, to discuss them, or accept, or in special points alter, the sums fixed as the quota-part of Holstein to the common expenses or revenues for 1861-62, according to the Resolution of September 23, 1859.

If these privileges were granted to the Assembly in a manner that it could really exercise them, then the Committee would not dwell on scruples of form, but would advise the Assembly to enter upon the examination of the question.

The said expressions in the communication are of a kind that those who are less initiated in all circumstances might be led to believe that the right of resolution had really been granted to the States. But this is not the case. The Royal Resolution of September 23, 1859, is now, as before, in full power, and in addition to it the grants fixed by the Rigsraad, and sanctioned by the King, for the quota-part of Denmark and Schleswig for the financial period 1860-62, remain also in full power.

If, therefore, the Assembly should have reason to decide upon the reduction of one or other of the amounts in question, and the Government should be unable to bring about similar resolutions on the part of the Rigsraad, or if, from other reasons, the Royal sanction were withheld, then the Royal Resolution of September 23, 1859, would, as a matter of course, remain in force; but the items which do not appear in the Normal Budget of February 28, 1858, and against which the States would have to protest, would by no means be excluded, as will always be the case when unanimity cannot be attained between the Government and the Rigsraad.

The communication also specially calls attention to the fact that the Resolutions arrived at by the Assembly are only to be viewed as proposals. Thus there is in reality at this moment made no other proposal to the States than giving them a right to make a report on Holstein's quota-part of the expenses for 1861-62, which exceeds the Normal Budget. And this privilege is granted them as an exception, and for this occasion only.

In the circular despatch to the Royal Missions of March 22 special stress is laid on the fact that no precedent is to be established thereby for the future. This privilege, which in itself is so confined, becomes perfectly illusory, as in the face of the deliberative authority of the Holstein States, stands the Rigsraad with its full resolving power, thus making it dependent on its decision whether, by the repeal of the provisions earlier made by it, the Resolutions of the Assembly of the States of Holstein are to have any effect at all.

For although in the communication of the 4th instant, referring to the Royal Resolution of September 23, 1859, there is a question of a Budget for Holstein's quota-part in the common expenses of the Monarchy, nevertheless the affairs are and will remain common for the whole Monarchy, and cannot in their details be separated. When, therefore, the Rigsraad, before whom the Budget for the whole Monarchy is laid, only grants 78·36 per cent. of the sums required for common affairs, it follows that, by its Resolutions respecting the proposals of the Government, the entire object of the Resolution is formed. If the Resolutions of the Assembly of the Estates, with respect to the 21·64 per cent. payable by Holstein, are to have any weight, it follows that, if they do not correspond with the Resolutions of the Rigsraad, this cannot be the case otherwise than through modifications in the latter.

In the seventh meeting of the Rigsraad in 1859, it is also distinctly stated by the Minister of Finance that the intention of the Government is that the employment of the voted quota-part necessarily presumes the augmentation of the sum by the corresponding second quota-part. From this reason the Assembly has been

unable to understand why the Government considers the fact that they have not laid before the Assembly the Budget for the whole Monarchy, but only the Budget for Holstein's quota-part, of such importance.

Provided with complete and effective rights, the result would in both cases have been the same, and the most natural would appear to be that the form adopted with respect to the Rigsraad should also have been chosen for the discussions with the Holstein States. Is this form, perhaps, only evaded with a view that the discussion should appear less offensive as regards the representation of the Kingdom? then this is an illusion to which the Assembly cannot lend itself. But if the Government, in their proceedings, should be guided by more serious intentions; should they, contrary to the positive declaration made to the Rigsraad, now intend eventually to employ the quota-sums voted by the one Representation, without any corresponding augmentation from the other part, then such proceeding would not only lead to the greatest abuses and serious difficulties, but the principle of affairs in common would thereby be destroyed.

And the Assembly, which, under existing circumstances, and on account of the arguments set forth in the Report of the Committee, has good reason to maintain the union with Schleswig and Denmark, must with firmness repudiate every such attempt.

3. The Government have, in their communication of the 4th instant, observed that the States have in no way a constitutional claim to discuss a Budget, not even as regards the special affairs of the Duchy, and that they cannot be entitled to deduce from the existing differences between the Government and the German Confederation any competency for themselves. It is well known that, as regards the special affairs, such a right is not granted to the States by the Ordinance of June 11, 1854, and it is equally well known that, as regards the common affairs, no law exists from which the States could deduce such a right. But it is well known, as one of the most important grievances of the country, that the balance has been disturbed in consequence of the Kingdom enjoying all the financial power, both in its special and common affairs, while Holstein possesses no rights in either respect.

The endeavours of the Assembly of the States have already long been directed to the settlement of this dispute; and they do not only base their claims on a right above all written legislation, but particularly on the Royal Patent of January 28, 1852. As proved in the Report of the Assembly of the States of March 10, 1859, it does not agree with their expressed views that an institution intended for the whole Monarchy continues to exist for Denmark and Schleswig without legal foundation, and that the Government presents to it the Budget for the common affairs of the Monarchy, to voted on, while they hesitate to allow the lawful States of the Duchy of Holstein the same privilege.

The German Confederation has admitted that the Duchy, contrary to the fundamental principles in the Royal Patent, has been given a position in the common Monarchy which threatens the independence it is entitled to by the fundamental principles of the Confederation, and that the agreements made before the issue of the said Patent have been violated in many respects by the Government. It has interceded in favour of the Duchy of Holstein. The communication of the 4th instant alludes to existing differences between the German Confederation and the Government, from which the Assembly is not allowed to deduce any competency.

The Committee knows nothing of differences which legally may exist between the German Confederation and the Government for German Federal countries, after the Confederation has come to a resolution the execution of which it demands. The Committee can the less comprehend the legal possibility of such disputes, when the resolution concerns the Constitutional questions of a German Federal country; questions respecting which the competency of the Confederation on the basis of the legislation of the Confederation is raised above all doubt, and, as regards the present case, has long ago been admitted by the declarations demanded by the Confederation, and furnished by the Government, and also by the execution of the earlier resolutions of the Confederation.

If now, notwithstanding, such differences do exist according to the opinion of the Government, the Assembly by no means desire to deduce from them any competency; but the Committee consider it necessary that the Assembly, as long as a satisfactory order of affairs cannot be effected, refrain from any step which might prevent the settlement of the differences in accordance with the Federal Laws and Treaties. The Committee must in particular, and most earnestly, advise

the Assembly not to relinquish the power of resolution, claimed for it by the Confederation, with respect to the voting of the Budget, or to present proposals or petitions with reference to the communication of the 4th instant. The interests which by such act might be threatened, can in no way be compared with the highly precarious privileges which the Government, as an exception for once, have offered the States an opportunity of exercising.

In accordance with the Commission of the Royal Commissioner, which has been read to the Assembly, the open question as to the meaning of the concluding sentence in the above-mentioned § 13 has been finally replied to by the communication of the Royal Government of the 4th instant. The Committee can, therefore, only propose to the Assembly that it enter not upon the discussion of the proposals which have been laid before it as a Budget for the Duchy of Holstein's portion of the common expenses and revenues for 1861-62, in the manner suggested by the Government, and that it will enter a paragraph in its Report corresponding with this declaration.

Itzehoe, April 7, 1861.

(Signed) E. VERSMANN.
ADOLPH BLOME.
W. H. BOKELMAN.
TH. LEHMANN.
CH. MANNSHARDT.
PREUSSER.
EMIL RANTZAU.
P. RANTZAU.
THEO. REINCKE.
P. WITT.
WYNEKEN.

No. 38.

Mr. Paget to Lord J. Russell.—(Received April 19.)

My Lord, *Copenhagen, April 15*, 1861.

M. DE BULOW, the Danish Minister at Frankfort, communicated to the Diet at its last sitting, that a prolongation of eight days had been accorded to the States of Holstein for the examination of the Budget, and that it could only be after the close of the session that the Danish Government would be in a position to reply to the demands addressed to them by the Diet on the 7th of February last. M. Hall informs me that no comments whatever were made on this communication.

I understand from his Excellency that the reply of the Danish Government is now prepared, and will be sent to M. de Bulow to-day. Its purport will be to show that, although the Danish Government are unable to comply entirely with the demands of the Confederation, they have, in the measures recently proposed to the Holstein States, endeavoured as much as possible to meet the views of the Diet in so far as they relate to giving to those States competency over the share in the common expenses to be borne by Holstein, as well as over the laws which affect the Duchy.

M. Hall asserts that both in form and substance the communication to be made by M. de Bulow will be such as to enable the Diet, if so disposed, to take it as a basis for further negotiation.

I have, &c.
(Signed) A. PAGET.

No. 39.

Lord J. Russell to Mr. Paget.

Sir, *Foreign Office, April 19*, 1861.

I HAVE received and laid before the Queen your despatch of the 12th instant, inclosing a Report of the Committee of the Holstein States on the Budget question; and I have to inform you, in reply, that Her Majesty's Government concur in the opinions you express in the despatch upon the subject.

I am, &c.
(Signed) J. RUSSELL.

No. 40.

Lord J. Russell to Lord A. Loftus.

(Extract.) *Foreign Office, April* 19, 1861.

HER Majesty's Government have watched, with concern and anxiety, the progress of the differences which have arisen between Germany and Denmark.

It appears to Her Majesty's Government that these differences are still susceptible of arrangement, but that, if the Federal Execution should take place, there is great danger that questions more difficult of solution may arise. On the Danish side, a blockade of German ports may be instituted, which would at once bring Germany and Denmark into a state of war. On the German side, the presence of a German army in Holstein would revive the question of Schleswig, a question upon which the passions of Germany are greatly excited. Another danger arises from the existence of a dispute concerning the frontier, a dispute which affects the town of Rendsburg and the harbour of Kiel.

Thus a war between Denmark and Germany may spring out of these Holstein troubles, and the independence and integrity of Denmark may be in jeopardy.

Yet, when the cause of quarrel is examined, there appears no reason for hazarding such fearful consequences.

As Her Majesty's Government understand the matter, the German Confederation have asked two things:—

1. That the quota of the Common Budget of the Monarchy which affects Holstein should be submitted to the States of Holstein.

2. That the laws which are to affect Holstein shall not be valid in Holstein without the assent of the Diet of Holstein.

The recent discussions in Holstein regard only the first of these conditions. Her Majesty's Government, in concert with France, Russia, and Sweden, advised the Danish Government to submit the quota of the Budget which affects Holstein to the Diet of Holstein.

It is much to be regretted that, instead of at once accepting this proposal, the Danish Government asked the consent of the States of Holstein to a complicated scheme of Constitution for the whole Monarchy. This scheme being rejected by the States of Holstein, the question of the Budget again returns.

The conclusion at which I arrive is, that in the present state of these affairs there is no sufficient ground for a Federal Execution by the German Confederation. Admitting the justice of their demands on the King of Denmark, as I have stated them, the whole dispute is, as I have said, susceptible of an amicable arrangement. While, on the other hand, a Federal Execution is full of dangers, and ought only to be adopted after every means of conciliation has been exhausted.

No. 41.

*Lord J. Russell to Earl Cowley.**

My Lord, *Foreign Office, April* 19, 1861.

WITHOUT adverting to the long and intricate history of the disputes which, for the last thirteen years, have excited the passions of the German and Danish people, and now threaten to place the Confederation in a state of conflict with the Kingdom of Denmark, Her Majesty's Government wish to place before the Government of His Majesty the Emperor of the French propositions which, in their view, are calculated to bring these disputes to an amicable termination. The first two of the following propositions contain, it is believed, the substance of the demands of the Diet of Germany upon the subject of Holstein and Lauenburg; the others relate to the Duchy of Schleswig, but the whole arrangement is founded upon the stipulations of 1852.

1. That the quota of the common Budget of the Monarchy which affects the Duchies of Holstein and Lauenburg should be submitted to the States of Holstein and Lauenburg respectively for their assent, amendment, or rejection.

2. That the laws which are to affect the Duchies of Holstein and Lauenburg shall be submitted to the Diets of Holstein and Lauenburg respectively for their assent, amendment, or rejection.

3. That the Duchy of Schleswig shall send Representatives to the Parliament of

* Similar despatches were addressed to Lord Napier and Mr. Jerningham.

Denmark, to vote in that Parliament the common expenses of the Monarchy, and to vote on all laws affecting the Monarchy.

4. That the separate Diet of Schleswig shall continue to be elected and to meet according to the present law. The functions of that Diet to consist in voting such sums as may be necessary for the maintenance of churches and schools and other local expenses, and in providing by equal laws for the welfare of the Danish, German, and other inhabitants of Schleswig.

5. When those terms are assented to, and solemnly proclaimed by the King of Denmark, the four Powers, viz., France, Great Britain, Russia, and Sweden, to guarantee to the Crown of Denmark the possession of the Duchy of Schleswig.

6. That Commissioners should be appointed, one on the part of Denmark, one on the part of Germany, and one on the part of the four Powers, to define the boundary of the Duchy of Schleswig. The guarantee mentioned in a former Article to comprise the Duchy thus defined and bounded.

7. That the Treaty and Engagements of 1852, so far as they are not altered by these Articles, should be inviolably maintained.

I trust that all the Powers concerned will see in these propositions an evidence of the anxious desire of Her Majesty's Government to do justice to all parties, and to save both Denmark and Holstein from the chances and calamities of war.

I am, &c.

(Signed) J. RUSSELL.

No. 42.

Lord J. Russell to Mr. Jerningham.

Sir, *Foreign Office, April* 19, 1861.

HER Majesty's Government have considered with great attention the long and able despatch of Count Manderström to Count Platen of the date of the 29th of March.

Her Majesty's Government acknowledge the force of the observation of Count Manderström on the danger to be feared for Denmark from the dispute between Germany and Denmark, and upon the obligations incumbent upon Great Britain, as well from the Treaties she has signed as from her regard for the maintenance of the independence and integrity of Denmark, to promote to the utmost the prevention of the impending conflict.

Turning from these general considerations to the practical proposals of Count Manderström, I am sorry to say I cannot express the same agreement.

With regard to the first proposal, I will only say that, so far as it fulfils the requirements of the German Confederation, it meets the views of Her Majesty's Government.

With regard to the second, however, it is not in our power to say that the King of Denmark has fulfilled his promises in relation to the organization of the Duchy of Schleswig. Although this may be technically true, yet, in spirit, these promises can hardly be said to be fulfilled.

With regard to the third proposal, Her Majesty's Government cannot expect that Germany, by consenting to the neutrality of the Duchy of Holstein, will in effect consent to deprive herself of an important part of the territory of the Confederation. As the chance of obtaining that consent appears to Her Majesty's Government infinitely small, there is no need of discussing the policy of the Swedish proposition.

Her Majesty's Government will, in another despatch, explain their views on the whole question, and will be happy to obtain the co-operation of the King of Sweden.

I am, &c.

(Signed) J. RUSSELL.

No. 43.

Mr. Ward to Lord J. Russell.—(Received April 22.)

(Extract.) *Hamburgh, April* 17, 1861.

THE President of the late Assembly of the Holstein States, Baron Scheel-Plessen, paid me a visit yesterday, and conversed with me on the actual position of the Duchy, and the prospect of an Execution, which he greatly lamented.

Of your Lordship's speech on the 12th instant he did not complain, being satisfied of your Lordship's love of justice and fair dealing, although he observed

that your Lordship had, upon some points, received incorrect information from the Danish Mission in London. He was particularly desirous that your Lordship should read the Report of the Committee of the States on the Budget (of which I have already had the honour to forward a translation), as fully explaining the Constitutional ground taken by the States. It was not exactly the want of the King's previous sanction which actuated the States, but the sense of their right to have the Budget laid before them for their vote and decision, in the same way as is done in England and other Constitutional countries. Had the Danish Government submitted the Budget to the States in a formal way, and in accordance with the Resolution of the Federal Diet, an understanding might have been arrived at, which would have obviated many future complications. The blame of not having done this appears to rest entirely with the Danish Cabinet.

The present constitutional status of the Danish Monarchy is a provisional one only. On the 6th of November, 1858, the King abolished for Holstein and Lauenburg the former Corporate Constitution of October 2, 1855, under which Holstein was represented in the Imperial Council ("Reichsrath") jointly with Denmark and Schleswig, and had, consequently, a voice in the common legislation. But when Holstein was excluded from the Imperial Council, it became necessary, in a legal point of view, that all laws which came before the severed Imperial Council should also be laid before the States of Holstein, in order to give them validity for the entire Monarchy, so that the Financial Budget for the common affairs of the Monarchy required the assent of two factors, viz., the Imperial Council for Schleswig and the Kingdom, and the Assembly of the States for Holstein. This state of things, inconvenient as it may seem, was established by the act of the King himself, and has been formally recognized by the Germanic Diet. The Diet demands for the Holstein States (until a definitive Constitution shall be established) the same powers as those exercised by the Imperial Council, and hence it became the duty of the Government to lay the Budget of the Monarchy before the States of Holstein for their deliberative vote, in the same formal way as the same Budget had already been submitted to the deliberative vote of the Imperial Council.

A distinction has been attempted to be drawn between "the Financial Budget for the common affairs of the Monarchy, as regards the share of Holstein," and "the Financial Budget for the share of Holstein in the common affairs of the Monarchy." The former is considered to be the more correct expression, but the meaning of the two phrases is essentially the same. The ambiguity, if any, arises from the anomalies of the Provisional Constitution of the Monarchy. Holstein does not really desire any further control over the finances of the Monarchy than is warranted by the extent of her interest therein. But the Danish Government has admitted (in the year 1859, in the seventh sitting of the Imperial Council) that any particular vote of money made by the one Legislative factor cannot be legally appropriated by the Executive until the sum is completed by the corresponding vote of the other Legislative factor. Now this is all that the States of Holstein have ever asked, and the reproach of the Earl of Ellenborough, that they have required something preposterous and unreasonable appears quite misplaced. At all events, the States have claimed no Constitutional powers beyond those to which the Federal Diet has declared them entitled, and in such questions the Federal Diet is the competent and supreme tribunal.

As things stand at present, it is, of course, very difficult to stay the Execution. An expedient, however, suggests itself in reference to that passage of the Danish Minister, M. Hall's circular of the 22nd of March last, in which he says, speaking of the Royal Patent of September 23, 1859:—

"The States may, at their pleasure, accept or amend it; and although, in this respect, nothing has been positively determined on, I believe I may say to you, confidentially, that, in my own opinion, the Government would rather have renounced Holstein's share in the common expenses, and have kept itself, as regards that Duchy, within the limits of the normal Budget (of 1856) than, on account of so small an interest, to have exposed itself to a Federal Execution."

Now, in this declaration a basis might possibly be found for a negotiation between the Confederation and Denmark. The sum to be given up, as I am informed by Baron Scheel-Plessen, might be somewhere about 500,000 rix-dollars Danish, or 56,250*l*., and the Federal Diet might, perhaps, think it not beneath its dignity to stay the Execution upon Denmark's renouncing her claim upon Holstein to the sum in question. If this suggestion should be considered worth notice, I presume that the Prussian Government would be the quarter in which the hint may be given. It might possibly lead to the arrangement of the difficulty about the Budget, although the other questions would remain as they were.

No. 44.

Mr. Paget to Lord J. Russell.—(Received April 22.)

(Extract.) *Copenhagen, April 17, 1861.*

IN the course of our last conversation M. Hall said that the meeting of the States of Holstein had been at all events productive of one good result, which was, that there could now be no longer any doubt that their object was not confined to obtaining a competence over the contributive share of Holstein to the common expenses, but to have the control over the Budget of the whole Monarchy. This was, he said, as I well knew, the conviction he had always entertained of the aim and end of the Federal demands, which the debates in the Holstein Assembly and the Report they had adopted completely confirmed.

I replied that I did not believe this was the interpretation attached by the Diet to their resolutions, and that the pretensions of the Holstein States went beyond what the Diet intended.

I inquired from M. Hall whether, in the event of the Diet making a declaration to the above effect, namely, that all the Confederation required was that no laws, particularly of finance, should have effect in Holstein without the consent of the Holstein States, the Danish Government would undertake this engagement.

M. Hall led me to believe they would do so if the question could thus be once for all terminated.

My French colleague has made a suggestion, as a means for avoiding the Execution, for this year at least, which I have thought it my duty to support.

M. Hall, in all our conversations and in his circular to the Danish Missions of the 22nd of March, has said that if the Holstein States refused to contribute anything towards the common expenses for 1861-62, the Danish Government would renounce their quota *in toto*, keeping only the normal Budget, if the Execution could be thus averted.

As the States have not voted at all, it is tantamount to refusing any contribution; and as it is only the question of the loss of a few hundred thousand dollars for one year to the common Treasury, we have urged M. Hall to act in the manner he was prepared to do in the case above referred to, and to announce in the communication he is about to make to the Diet, that in order to give a proof of the liberal spirit by which His Danish Majesty is animated towards his subjects in Holstein, and of his desire to adhere to the demands of the Diet,—that the Duchy of Holstein should not be called upon to pay to the common exchequer sums which the States had not voted,—His Danish Majesty was prepared, since the States had refused to vote any contribution for the year 1861-62, to renounce the sum which had been fixed as their quota in the Royal Patent of September 23, 1859.

M. Hall replied that the time was not yet come for discussing this question; that the current expenses of the Monarchy were defrayed by the central Treasury in Copenhagen, and it was only at the end of the financial year the accounts were made up and the provincial Treasurers called upon for the share they had to pay to the common fund. When that time came he would not say but that the share of Holstein might be given up.

No. 45.

Mr. Paget to Lord J. Russell.—(Received April 22.)

My Lord, *Copenhagen, April 18, 1861.*

IN an interview I have had with M. Hall this morning, I again returned to the subject mentioned in the first part of my despatch of the 17th instant, and I asked his Excellency to tell me positively whether, if the Diet of Frankfort made a declaration that they required nothing more for Holstein than that no law, financial or other, should have effect in the Duchy without the consent of the Holstein States, and that the Diet did not attach to their Resolutions the extended interpretation which his Excellency assigned to them, the Danish Government would on its side consent to give to the Holstein States an entire competence over the laws affecting the Duchy.

His Excellency replied that the question embraced a great many considerations, and before taking any positive engagement it would be necessary that some points should be cleared up. If the Holstein States were to be placed on the same footing as the Rigsraad, what was to be done, his Excellency inquired, in the event of disagreement between the

two Assemblies? It was absolutely necessary, he said, that some expedient should be found to meet this difficulty. He would refer, he said, to the navy, by way of an example, and suppose that a vote of 1,000,000 dollars was required. The share of Denmark and Schleswig would amount to about 800,000 dollars, which would be voted by the Rigsraad on the supposition that the share of 200,000 dollars would be voted by the States of Holstein. But what was to happen if the States of Holstein refused their share, and what would be the position of the Government towards the Rigsraad? Was the Government to apply to the Rigsraad for the additional 200,000 dollars devolving upon Holstein? or was the service of the country to come to a standstill? It was impossible, M. Hall said, that this could be consented to. If such an arrangement as I had proposed was to be entertained, it could only be on the understanding that, in the event of disagreement between the two Assemblies, the affair which gave rise to it should cease to be common. The fear of a separation might possibly, his Excellency said, weigh with the States of Holstein.

I observed that the recent proceedings at Itzehoe authorized the belief that the Holstein States were contending for a principle, and not for any particular amount of money they had to pay towards the common expenses. They did not even, I said, examine the Budget submitted to them, because they asserted that any vote they might come to upon it would only bear the character of a proposal which the Government reserved to itself the right to sanction or not. My conviction, therefore, was, I said, that if the principle they contended for was conceded, and they were placed on the same footing as the Rigsraad, they would not make any very great difficulties as to the sums they had to furnish.

In support of this assertion, I reminded his Excellency of what I had lately communicated to him, by your Lordship's orders, as to Baron Scheel-Plessen's opinion respecting the difference which would exist between what was asked of the States, and what they would vote. It amounted, I continued, to 200,000 dollars. Supposing, therefore, to proceed with the example his Excellency had chosen, they consent to vote only 150,000 instead of 200,000 dollars, which would be their share of the Naval Budget, the difficulty of disagreement to which he had alluded would be overcome by informing the Rigsraad at their next meeting that their share was reduced in the same proportion, and that so much remained in hand to their credit.

M. Hall replied that this would be exactly carrying out the views which had been expressed by the Holstein States, and making the regulation of the expenses of the whole Monarchy subject to their vote. If the Holstein question was ever to be settled, M. Hall continued, on a basis which would be equally just to both parties, and not place either in a position of inferiority, it could only be by one of two plans—a common representation, or a partial separation. He thought, he said, it had now been sufficiently proved that the former was out of the question, and he therefore saw no alternative but to have recourse to an arrangement on the basis of that proposed by the Government to the Holstein States as a Provisorium. This basis might possibly be modified in some respects, but he was convinced that it would be useless to attempt any arrangement which was not founded upon it.

I have, &c.
(Signed) A. PAGET.

No. 46.

Mr. Howard to Lord J. Russell.—(*Received April* 22.)

My Lord, *Hanover, April* 20, 1861.

A PETITION on the affairs of Schleswig-Holstein having been presented to the Brunswick Chamber by a Dr. Baumgarten and others associated with him, requesting the Chamber to urge upon the Brunswick Government to use their utmost influence for the protection of the ancient rights of Holstein and Schleswig in relation to the Danish Crown, and for the transfer to Prussia of the conduct of the Federal negotiations connected with this question, together with the supreme command of the German forces in the event of military action arising out of it, the Committee to whom the petition was referred proposed the following Resolution, which was adopted by the Chamber without discussion:—

"Considering, 1st, that the protection and restoration of the ancient rights of the Duchies of Schleswig and Holstein, and their connection with each other, have been at all times unanimously recognized and considered by the princes and people of Germany as an affair of honour for the German nation, and the Danish attacks upon those rights as compromising the integrity of Germany and her highest interests;

"2ndly. That there is no necessity now for giving any special expression to those dictates of honour and independence which the German people in all countries are prepared equally to fulfil, if necessary, with the whole weight of their military power.

"3rdly. That the German Governments may be expected without further delay, to resist the Danish aggressions and violations of Treaty in the most efficacious manner, by carrying out the Federal Execution decreed by the Diet;—the Chamber resolves to pass to the Order of the Day on the Petition relating to Schleswig-Holstein, although agreeing entirely with its motives."

I have, &c.
(Signed) HENRY F. HOWARD.

No. 47.

Lord A. Loftus to Lord J. Russell.—(Received April 22.)

My Lord, *Berlin, April 19, 1861.*

I HAD some conversation on Monday last with Baron Schleinitz on the differences between Denmark and the States of Holstein.

Baron Schleinitz referred to the speech which your Lordship had recently made in the House of Commons in reply to certain interpellations on that subject, and his Excellency observed that it was an error on the part of your Lordship to suppose that Prussia or Germany coveted or meditated the acquisition of Schleswig. He stated that he not only repudiated any such intention on the part of the Governments, but he could also state that no such idea had been, or was, entertained by the Liberal Societies, or the so-termed "National Verein," to which he presumed that your Lordship had intended more specially to refer. Not even in 1848, said Baron Schleinitz, did the National Assembly, in the height of the war, aspire to any such aim.

Prussia, his Excellency repeated, desired no better than to have the question settled, for it was a thorn in her side, and a constant embarrassment of which she desired most heartily to be relieved. So little did Prussia look to the attainment of any separate interest or ambitious aim, that she was desirous, in the event of an "Execution," that not a single Prussian soldier should cross the frontier or take part in that measure, and that the army to be so employed should be composed of the contingents of the other German States, in order to prove that it was a purely German, and not a Prussian question.

In referring to the present state of these affairs, and their being shortly again brought before the German Diet, Baron Schleinitz expressed a hope that Denmark would not reiterate in her communication to that Body the phrase which had been made use of in the Royal Message to the Holstein States, namely, "that His Majesty had not been enabled to accede to the demand of the Diet," for any such communication would immediately close the door against further negotiations, and oblige the Diet to proceed at once to an Execution.

His Excellency expressed this opinion so strongly that I thought it important that the Danish Government should be advertised beforehand of the desirableness to avoid any recurrence of language which would at once cut off all hopes of an amicable arrangement.

I am convinced that the Prussian Government are very desirous that some means should be found to effect an arrangement of these differences, and I am inclined to believe that they will lend a willing hand to any such adjustment as will safeguard their honour, and by which they will not incur obloquy or reproval.

I mentioned to Baron Schleinitz that if Prussia and Germany were really anxious to bring these differences to a conclusion, a favourable opportunity would shortly offer itself, when the influence of Prussia might be usefully exerted in the conciliatory and pacific sense in which he had spoken. The question would be immediately laid before the Diet. Both litigants would appear before that Body. The one party would submit its grievances, the other would make known the measures proposed for their redress. I considered, therefore, that the Diet, in lieu of acting as a partizan, would now have the opportunity of assuming the character of a mediator, and that the Diet might fairly attempt to harmonise the divergent views of the litigants. Thus, for instance, on the question of the Budget for 1861-62, on which doubts existed as to the real nature and extent of the concessions made by Denmark, I thought that the Diet, before delivering a judgment, should

appeal to the Danish Government to ascertain the exact interpretation of the 13th paragraph. This course would enable the Danish Government to reconsider their decision, and would open a door for an amicable arrangement. For my part I could not but think that an appeal to Denmark in a conciliatory tone would be received by the Danish Government in a similar spirit, and that an understanding might be arrived at satisfactory to all the parties interested. I could not conceive it possible that a question which intrinsically was of very small dimensions could eventually lead to a rupture and to war. The conciliatory spirit evinced by his Excellency, and the sincerity with which he expressed himself in favour of an amicable arrangement, induced me to hope that the Prussian Government would exert their influence at the Diet in the manner to which I had referred.

Baron Schleinitz concurred with me in the opinion I had expressed. He thought that it was of great importance that the Danish Government should be counselled not to take any step which would force the Diet to break off all further negotiations, but he said that these counsels cannot proceed from Germany. It is for the Powers on whom Denmark leans for support to advise the course for her to pursue, and to influence her decision.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 48.

Lord A. Loftus to Lord J. Russell.—(*Received April* 22.)

My Lord, *Berlin, April* 20, 1861.

IN conversation, this morning, with Baron Schleinitz, I referred casually to certain intimations which the Prussian Government was reported to have made with reference to the Execution in Holstein, should a measure of that nature be eventually resorted to by the Diet, as is reported in Sir A. Malet's despatch of the 12th instant.

Baron Schleinitz assured me most categorically that Prussia had made no proposals or intimations of any kind with reference to this subject, either at Frankfort or elsewhere, and that all these rumours were pure inventions. The question of the Execution had never been mooted in the form reported, nor had any reference been made to it by Prussia. His Excellency added, that it had not even been discussed as a possible eventuality by the Government at home.

He repeated that, for his part, he should wish that Prussia should take no active part in the occupation of Holstein, should that measure become finally necessary.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 49.

Lord J. Russell to Mr. Paget.

Sir, *Foreign Office, April* 29, 1861.

HER Majesty's Government have anxiously considered in what direction a settlement of the differences between Holstein and Denmark is to be found.

They are convinced that it ought no longer to be sought in the provisions of a common Constitution.

For instance, to take the case put by M. Hall, let us suppose that 1,000,000 dollars were required for the navy, and that 200,000 dollars were the quota of Holstein; let us suppose, further, that the Diet of Holstein only votes 100,000 dollars: what is to be done? Is the "Rigsraad" to be required to vote the other 100,000 dollars? In that case the "Rigsraad" would complain of the onerous nature of the bargain. Is the "Rigsraad," in conformity with the vote of Holstein, to vote only 400,000 dollars, the half of what is demanded? In that case the service of the navy would suffer.

It appears to Her Majesty's Government that the only means to avoid these embarrassing questions is, to leave the "Rigsraad" free, and the Diet of Holstein free; in short, what is called here, a Union of the Crowns, and on the Continent, a Personal Union. For it is impossible to continue the grant of money by prerogative,

or to deny to Holstein the right freely to vote the taxes, and freely to deliberate upon the laws which are to affect Holstein.

The sooner the King of Denmark makes his assent to these conditions known to the German Confederation, the better it will be for the peace of his kingdom and the integrity of Denmark, as proclaimed by the Treaty of 1852.

On the other hand, Denmark ought to have security on the side of Schleswig, and Her Majesty's Government are employed in seeking anxiously the concurrence of France, Russia, and Sweden, in a plan for the entire and final settlement of this difficult affair. For Denmark might fairly apprehend that if Holstein were but loosely attached to the Monarchy, her liberty might be used as a cloak to cover aggressive designs on the part of Germany against the position of Schleswig as an integral part of the Danish Monarchy.

I am, &c.
(Signed) J. RUSSELL.

No. 50.

Lord A. Loftus to Lord J. Russell.—(Received April 29.)

My Lord, *Berlin, April 27, 1861.*

I HAVE not failed, on every occasion which presented itself, to impress on Baron Schleinitz the grave consequences which may result to the general peace if the efforts to bring about an amicable adjustment of the differences between Denmark and Holstein were to fail, and that coercive measures were to be resorted to by the Diet.

In furtherance of these efforts I thought it desirable to read to Baron Schleinitz that portion of your Lordship's despatch of the 19th instant, pourtraying the dangers which may result from a Federal Execution in Holstein, and expressing the opinion of Her Majesty's Government that the questions at issue are susceptible of an amicable arrangement.

Baron Schleinitz expressed his entire concurrence with the opinions expressed by your Lordship in the above-named despatch.

He stated that the two points mentioned therein as forming the demands of the Germanic Confederation were perfectly correct; but he added that if Denmark should meet the demands of the Diet with a direct negative, he did not well see what other course could be pursued by that Body than to resort to a Military Execution.

His Excellency expressed a hope that the communication which was to be made this day by the Danish Minister at Frankfort to the Diet would be of such a nature as to admit of a continuance of the negotiations, with a chance that the explanations required of Denmark may lead to a final and satisfactory result.

His Excellency observed that the position of Prussia in this question was one of great difficulty and even of danger to herself. Already violent reproaches were being launched forth against the Prussian Government, at the very idea that Prussia would take no military part in the Execution, if finally resorted to. Prussia was loudly accused of treachery to the national cause, and of a cowardly abandonment of the interests of the German population in Holstein.

Germany had a duty to perform in maintaining the rights and privileges of a portion of German territory, and Germany could not abandon her duty without a sacrifice of her honour and her interests.

His Excellency again reiterated his oft-expressed hopes that Denmark will adopt a conciliatory course, and that the dangers which may arise from coercive measures, which must inevitably be the consequence of a refractory course on her part, may be thus averted, both to Germany and to Europe.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 51.

Lord Napier to Lord J. Russell.—(Received May 6.)

My Lord, *St. Petersburgh, April 28, 1861.*

I WAITED on Prince Gortchakoff yesterday, and placed in his hands your Lordship's despatch of the 19th instant, containing the Articles recommended by

Her Majesty's Government to the consideration of the Great Powers for the settlement of the questions at issue between the Danish Government and the German Confederation, in connection with Holstein and Schleswig.

Prince Gortchakoff read your Lordship's communication with attention, and declared himself, on a first view, satisfied with the tenour of your suggestions, except in regard to Article 5—that which contemplates a guarantee to be given by the Governments of England, France, Russia, and Sweden, to the Government of Denmark for the possession of Schleswig. His Excellency remarked that this guarantee appeared to him to weaken the guarantee contained in the Stipulations of 1852, which was more extensive in its scope, and was fortified by the adherence of a greater number of Powers. His Excellency then asked me for a copy of your Lordship's despatch, to which, he said, he would give his best consideration.

Although not authorized by the terms of your Lordship's instruction to furnish the Russian Minister with a copy, I felt no difficulty in doing so; I have accordingly forwarded a copy of the document to the Prince, with an expression of my hope that I may be enabled to transmit to your Lordship a definitive statement of his views in the course of the present week.

I have, &c.
(Signed) NAPIER.

No. 52.

Sir A. Malet to Lord J. Russell.—(Received May 6.)

(Extract.) *Frankfort, May 2, 1861.*

INCLOSED I have the honour to transmit to your Lordship a translation of the communication made to the Diet in the sitting of Saturday the 27th ultimo.

It is not possible to pronounce whether this document will have any effect in arresting the course of proceeding indicated by the previous Resolutions of the Diet; but it must, at any rate, recall attention to the pretensions of the Holstein States in reference to Schleswig, and the revision of the London Protocols, which had been lost sight of.

Fourteen days will elapse from the 27th of April before the Diet will be called upon to pronounce an opinion on this document, which is submitted to the Committee for their consideration and report.

Inclosure in No. 52.

Extract from the "Journal de Francfort" of May 1, 1861.

Rapport concernant la Question Constitutionnelle des Duchés de Holstein et de Lauenbourg.

(14e Séance de la Diète Germanique en 1861.

LE Danemarc à propos du Holstein et du Lauenbourg.—Par suite des indications préalables données dans les séances du 10 et du 12 de cette année (sections 76 et 94 du Protocole) l'Envoyé a été chargé, après la clôture des négociations avec l'Assemblée Provinciale Extraordinaire des Etats du Duché de Holstein, qui y ont été portées à la connaissance de la haute Assemblée, de faire la déclaration suivante au nom de son Gouvernement:—

En présence de la Résolution Fédérale du 8 Mars réitérée, respectivement amplifiée par la haute Assemblée dans sa Résolution du 7 Février de cette année, le Gouvernement Royal n'a pas pu se désister de sa conviction précédemment exprimée que le droit de voix délibérative en général n'appartient pas légalement à la dite Assemblée des Etats relativement aux affaires communes de la Monarchie, et qu'une concession toute générale de ce genre n'est pas conciliable avec la marche bien ordonnée d'un Gouvernement régulier. Désirant sincèrement toutefois accorder au sujets Holsteinois de Sa Majesté le Roi, en élargissant les droits qui leur reviennent légalement, de nouvelles garanties pour un développement indépendant et libre, et prévenir, autant qu'il dépend de lui, des complications à perte de vue, le Gouvernement Royal, qui est appelé à prendre en considération et à mettre d'accord les droits et les intérêts de toute la Monarchie et des parties isolées, a eu à cœur de rechercher un moyen par lequel il pût satisfaire aux prétentions soulevées par les résolutions susdites. en vue d'une grande indépendance

du Duché de Holstein, relativement aux affaires communes, sans renoncer aux garanties absolument indispensables et sans léser les droits du Souverain et des autres parties de la Monarchie.

Tandis que le Gouvernement Royal espérait se conformer ainsi le plus possible aux Résolutions Fédérales précitées, et en assurer la réalisation pratique et de leur teneur et de leurs tendances par l'établissement d'un provisoire garantissant au Holstein une position autonome et libre vis-à-vis des affaires communes, il avait en même temps l'intention de remettre en vigueur, au moyen de libres négociations avec les Etats Holsteinois, la seule base d'une vraie Constitution commune, à savoir, la représentation commune de toutes les parties du pays, représentation considérée comme nécessaire dans et depuis la proclamation Souveraine du 28 Janvier, 1852. La division de la représentation générale de la Monarchie en deux Chambres ayant paru le plus propre à lever les difficultés qu'a soulevées la forme existante, des ouvertures Royales soumirent aux Etats les traits fondamentaux d'un plan en vertu duquel le Conseil du Royaume devait être formé immédiatement de deux Chambres, composées la première d'au moins trente membres nommés à vie par Sa Majesté, la seconde de soixante membres à élire pour six ans, en partie indirectement, d'après les règles prescrites par la Loi du 2 Octobre, 1855.

Or, les Etats n'ont pas accepté ces propositions et ont renouvelé leurs assertions précédentes tendantes "à déclarer l'indépendance des pays isolés réunis à la Monarchie incompatible avec la formation d'une représentation commune dans un organe commun."

Indépendamment de la proposition susdite, un projet de loi relatif à la position provisoire du Duché de Holstein en vue des affaires communes de la Monarchie a été soumis aux Etats. Dans ce projet, le Gouvernement est parti de la pensée que, d'une part, si en présence d'une résistance prolongée des Etats il fallait renoncer à un organe commun pour la législation et l'établissement des impôts, l'administration commune existante devrait pourtant être maintenue, que, d'autre part, si les prérogatives en question étaient octroyées aux deux représentations, il importait de préserver autant que possible, et notamment en circonscrivant le terrain sur lequel ils pourraient se rencontrer, les intérêts de l'ensemble et des parties de toutes collisions possibles, et que s'il en éclatait quand même, il était nécessaire d'amener la solution la plus satisfaisante possible.

Tandis que l'Envoyé, en vue de la teneur des dispositions que tendent à ce but, a le droit de se référer au projet de loi ci-joint et à ses motifs, relativement à la situation provisoire du Holstein quant aux affaires communes de la Monarchie Danoise, il a l'honneur de présenter les observations suivantes sur les points principaux seulement.

Une grande partie des affaires communes conservent, à côté de leur nature commune, un caractère plus ou moins local, qui permet jusqu'à un certain point que des divergences se fassent jour dans les limites des différentes juridictions, sans que pour cela le but commun en ait par trop à souffrir. Le Gouvernement Royal ne s'est pas dissimulé sans doute les difficultés pratiques que présenterait une nouvelle organisation reposant sur cette idée fondamentale, mais il a cru ne pouvoir se dispenser d'un essai de cette nature en vue des motifs indiqués.

Pour des affaires de ce genre, en tant qu'elles se rapportent au territoire du Holstein, la section 9 du projet a assuré aux Etats Provinciaux du Holstein, bien entendue en sauvegardant les droits du Gouvernement Royal, l'exercice exclusif de la législation, ce qui empêcherait par conséquent toute collision entre eux et le Conseil du Royaume. Quant aux autres affaires communes qui n'ont pas ce caractère local et par suite ne peuvent pas être soumises à l'Assemblée du Holstein, une modification de la situation présupposait régulièrement une entente entre l'Assemblée des Etats du Holstein et le Conseil du Royaume. Mais à l'effet d'établir un réglement pratique, et de faciliter au besoin une solution dans le cas de non-entente (entre les deux Assemblées) qu'il est impossible d'éviter complètement sur ce terrain, le projet avait mis en perspective, sous ce premier rapport, la formation de Comités Mixtes, tandis que, sous ce dernier rapport, le Gouvernement se réservait le droit d'élever à l'état de loi un projet sanctionné par l'une des Assemblées et reconnu urgent par cette dernière ainsi que par le Gouvernement, dans la partie de la Monarchie représentée par l'Assemblée respective et de prendre ensuite les mesures d'administration nécessaires, que la divergence qui se sera ainsi produite dans la législation réclamera dans les différentes parties de la Monarchie (section 6).

La même distinction avait été prise en général pour base relativement au droit de vote (fixation du Budget des affaires communes) qui fait surtout craindre que deux Assemblées délibérant séparément ne parviennent pas à s'entendre complétement sur toutes les dispositions de détail respectives.

Relativement aux dépenses concernant spécialement les intérêts du Duché de Holstein et se rattachant de près aux affaires qui sont réservées à l'exercice exclusif de la Législation par les Etats de ce Duché, le droit de vote avait été exclusivement réservé à la représentation du Holstein, sans autre restriction que celle résultant du droit Fédéral, par suite duquel toutes les dépenses fondées sur des lois existantes ou sur les exigences ordinaires des différéntes branches de l'Administration doivent être comprises dans un Budget normal, qui a un corrélatif pour les autres parties du pays dans le Budget normal du 28 Février légalement fixé pour ces dernières.

Quant aux autres dépenses communes qui ne pouvaient être soumises exclusivement aux délibérations et à la sanction de l'Assemblée isolée, il a paru surtout important de songer à établir les dispositions nécessaires pour qu'un droit de vote, touchant le maintien et le développement d'une Administration régulière—droit octroyé aux Etats du Holstein en même temps qu'au Conseil du Royaume—n'engendrât pas des difficultés insurmontables. Pour atteindre ce but et garantir les besoins réguliers de l'Administration, le projet établissait des sommes fixes pour le Holstein à propos de chacun des comptes spéciaux qui devaient être acquittés annuellement, sans que l'Assemblée fût obligée chaque année de renouveler sa sanction, et à l'établissement desquelles avaient servi de base les sommes consenties en vue des différentes comptes, pour les périodes financières du 1 Avril, 1856, au 31 Mars, 1860, pendant lesquels les Représentants pour le Duché du Holstein ont pris part aux délibérations respectives du Conseil du Royaume. On ne pourrait sans doute empêcher que des suppléments ultérieurs ne devinssent nécessaires au délà de ces sommes fixes, mais ces suppléments dépendraient, pour ce qui concerne le Holstein, de la libre sanction des Etats.

Cette position provisoire du Duché de Holstein en vue des affaires communes de la Monarchie, exposée dans ses traits fondamentaux en général, et essentiellement conforme à la Résolution du 8 Mars de cette année (sous 1, c. 2), a été décliné par les Etats Provinciaux du Holstein, sans que ces derniers aient cru devoir indiquer, par des propositions plus précises, une autre voie pour faciliter la mise en pratique des prérogatives sollicitées pour le Holstein par les Résolutions Fédérales du 8 Mars et du 7 Février, dans les limites susmentionnées.

Parmi les différentes dispositions du projet de loi en question, la section 13 *in fine* mérite d'être spécialement prise en considération.

Comme les dispositions financières contenues dans le projet ne pouvaient entrer en vigueur que pour la période financière qui commence au 10 Avril de l'année prochaine, le Gouvernement Royal avait eu à cœur de fournir immédiatement aux Etats une autre occasion de sanctionner le Budget pour l'année financière 1861 à 1862 en vue des dépenses communes, en tant qu'il concerne le Duché de Holstein. De son côté, la Haute Assemblée de la Diète avait déclaré, dans sa Résolution Fédérale du 7 Février, No. 1, qu'elle ne pouvait regarder comme fondée en droit la Patente du 25 Septembre, 1850, avec toutes les Ordonnances y relatives touchant le Budget des Duchés de Holstein et de Lauenbourg, aussi longtemps que les Etats ne l'auraient pas sanctionnée.

La Haute Assemblée, en cherchant à faire obtenir de la sorte la sanction des Etats, c'est-à-dire, en leur faisant soumettre cette loi, avait en même temps exprimé ses vues sur le but et la forme d'une semblable négociation postérieure avec les Etats. D'une part, il ne pouvait être question que de la part du Holstein aux dépenses et récettes communes, tandis que les lois financières votées pour la part de contribution des autres parties du pays, par les Représentants de ces derniers, devaient rester intactes; d'autre part, c'était la teneur seule de la Patente que les Etats étaient appelés à sanctionner postérieurement. L'abrogation formelle de la Patente n'avait pas été demandée dans la Résolution et n'aurait pu être consentie.

Quoique le Gouvernement Royal ne pût considérer comme fondées sur les rapports légaux existants les conditions posées par la Résolution Fédérale du 7 Février de cette année, et dût regarder comme inadmissible (l'expérience n'a que trop confirmé depuis la justesse de ses vues) une acceptation sans réserves, par la raison que les conséquences qu'il n'était que trop facile d'en tirer ne pouvaient pas faciliter mais entraver une entente, cependant il s'est sérieusement efforcé sous ce rapport de donner suite à la teneur de la dite Résolution. C'est pourquoi la Patente

du 25 Septembre a été soumise à la sanction des Etats comme faisant partie d'un Projet de Loi, au moyen du § 13 précité, et, afin de les mettre en état d'examiner exactement les différents montants qui y sont établis, le Commissaire Royal s'est immédiatement déclaré prêt à donner à ce sujet toutes les explications nécessaires.

Comme ainsi les Etats disposaient d'un matériel complet pour apprécier les besoins financiers dans les limites indiquées, de même il a été déclaré, d'autre part, par le Commissaire Royal, qu'ils avaient le droit de délibérer librement, de manière à pouvoir discuter, adopter, ou modifier à leur gré dans certains points les sommes isolées, qu'ils avaient en conséquence émettre un vote décisif sur l'année financière du 1 Avril de cette année à 1862. Le résultat des délibérations à ce sujet devait finalement former un tout comme Budget sur la part du Holstein aux recettes et dépenses communes, et être soumis comme tel à la sanction de Sa Majesté.

On ne pouvait sans doute prévoir à cette époque que les Etats par leurs résolutions créeraient à Sa Majesté le Roi des embarras insurmontables dans la direction du Gouvernement. Cependant, pour éviter encore tout malentendu sous ce rapport, le Commissaire Royal déclara formellement que, si des faits de ce genre se présentaient contre toute attente, le Roi se verrait naturellement obligé de prendre telles mesures que rendraient indispensables le droit souverain et l'obligation de Sa Majesté de veiller comme Monarque au gouvernement du pays.

Cette réserve, qui est complètement justifiée par les devoirs du Souverain et les droits Fedéraux, l'était encore par cela même que la majeure partie des sommes mentionées dans la Patente du 25 Septembre était déjà fixée par le Décret Royal, publié avec force de loi pour toute la Monarchie en 1856, et aussi pour le Budget Normal engageant le Conseil d'Etat, et qu'un refus des Etats au sujet de ces sommes aurait causé un désordre sans fin. Quant à l'importance de la réserve ou de l'avertissement de la part du Gouvernement Royal (et à ce sujet il ne veut rappeler qu'en passant la teneur du Décret Federal du 28 Juin, 1832, Articles 1 et 2, et ses rapports avec les Articles LXXV et LVIII de l'Acte Final de Vienne), il ne pourrait y avoir des réclamations que dans le cas où les Etats, après avoir procédé à l'examen du Budget qui a été réclamé par la Confédération et accordé franchement par le Gouvernement, auraient rejeté ou diminué des crédits, et qu'alors le Gouvernement Royal eût refusé de les reconnaître sans motifs suffisants.

Mais cette éventualité ne s'est pas présentée.

Pour plus ample explication, il faut ajouter que si le Gouvernement du Roi a cru devoir préférer l'acceptation de la dite Patente dans le 13e paragraphe du projet à une proposition spéciale, cela était d'autant plus naturel que, de l'avis du Gouvernement, il ne s'agissait pas seulement d'une proposition ultérieure d'une loi financière en vigueur depuis longtemps, mais d'une transition à un état plus durable, lequel, si une entente avait pu être établie sur l'ordre provisoire, n'aurait pas offert de grandes difficultés. La chose a pris naturellement une autre tournure dès qu'on eut remarqué que les Etats avaient l'intention de repousser l'ordre provisoire proposé. C'est alors que le Commissaire Royal déclara à l'Assemblée que cette circonstance, quelque regrettable qu'elle fût aux yeux du Gouvernement, n'entraînerait cependant pas un changement dans l'occasion offerte aux Etats de discuter la Patente, et que l'Assemblée procéderait comme si la Patente avait été proposée d'une manière indépendante du projet.

De cette manière, on a présenté aux Etats, sous une forme satisfaisante et dans tous ses détails, la Patente du 25 Septembre, 1859, qui détermine la part du Holstein dans les recettes et les dépenses générales de la Monarchie pour la période financière de 1860-62. Néanmoins l'Assemblée a déclaré "qu'elle ne voulait pas consentir à examiner les propositions du Gouvernement relatives à la quotepart du Duché de Holstein aux recettes et aux dépenses générales pour 1861-62. En tant que ce refus repose sur des motifs politiques et tout-à-fait étrangers à la question, le Gouvernement du Roi ne veut point qualifier une semblable démarche des Etats, qui voudraient faire dépendre l'approbation des dépenses nécessaires au Gouvernement de la réalisation de vœux tout-à-fait étrangers à cette mesure. Mais si l'on veut faire valoir comme motif financier le Rapport fait par la Commission de l'Assemblée des Etats, et portant que les concessions faites d'accord avec le Conseil du Royaume et consenties par le Roi pour le quotepart du Danemarc et du Schleswig pour la période financière courante doivent rester en pleine vigueur, l'empiètement tenté ici sur le droit le plus incontestable et l'indépendance des autres parties du Royaume est trop évident pour que de plus amples explications soient nécessaires ici.

Enfin, un nouveau projet d'une loi Constitutionnelle pour les affaires particulières

du Duché de Holstein a été soumis aux Etats. Mais quoique le Gouvernement, en le rédigeant, ait tenu compte dans tous ses détails des propositions faites antérieurement par les Etats, quoique le projet garantisse le développement des libertés civiles et une véritable indépendance, l'Assemblée a cru devoir refuser l'acceptation d'une amélioration reconnue dans la Constitution Provinciale, tant qu'on n'aura pas donné suite à ses vœux pour d'autres affaires.

Tel est donc le triste résultat, bien regretté par le Gouvernement, des négociations ouvertes avec les Etats du Holstein. Leurs propositions au sujet de l'organisation définitive de la Monarchie, de la situation provisoire du Holstein, et de la Constitution Provinciale du Duché, ont été toutes rejetées ; et outre cela les Etats se sont encore refusés à délibérer sur le Budget au sujet de la quote-part du Holstein aux recettes et aux dépenses communes pour l'année financière de 1861-62.

Partout, même dans des questions provinciales, financières ou administratives, les Etats ont toujours eu en vue des motifs politiques, et ces plans ouvertement avoués consistent à rendre impossible l'organisation fondée sur l'Ordonnance Souveraine du 28 Janvier, 1852, et approuvée pour le Holstein par la Diète Germanique dans son Arrêté du 29 Juillet, 1852, à acquérir une prépondérance injuste et illégale dans la Monarchie, et enfin, en dernier lieu, à mettre le Holstein dans une position d'union politique et exclusive avec le Duché de Schleswig, contraire aux droits du Souverain et aux principes reconnus et légaux de la Monarchie Danoise.

Cette démarche du Gouvernement Royal est également restée sans résultat. De son côté, le Gouvernement a ouvert, par les Commissaires, des négociations avec la Confédération Germanique au sujet du réglement de la question du Holstein, mais ces négociations sont restées sans effet. Le Gouvernement Royal a essayé à diverses reprises d'amener par des négociations directes une entente avec les Etats, mais ces derniers ont repoussé tout rapprochement, se sont prononcés catégoriquement contre les propositions, les principes et leurs conséquences pour la Monarchie en général, et ont déclaré qu'ils n'empiéteraient pas sur les décisions de la Confédération.

Le Gouvernement Royal est d'avis que l'Assemblée Fédérale ne voudra pas accorder ce que les Etats entendent par l'exécution complète des deux Décrets en question de la Confédération, comme il est impossible au Gouvernement d'admettre ces prétentions. En formulant ces Décrets, on n'a certes pas prévu que les Etats refuseraient leur consentement à ce qu'on exigeait du Gouvernement, ou le feraient dépendre de conditions inadmissibles et impossibles. Si les Etats ne veulent pas accepter un droit garanti et étendu pour un autonomie Constitutionnelle, ni l'égalité établie par les Articles 1 et 2 du Décret du 8 Mars, 1860, ni la Constitution Provinciale, qui, malgré ces temps d'excitation et de troubles, est considérée cependant par la majorité comme un grand progrès, tant qu'on ne leur accorde pas en même temps une compétence sur les droits politiques et administratifs des autres parties du Royaume ; si les Etats se refusent à une délibération et à des résolutions sur le Budget de l'année financière courante, parce qu'ils veulent voir réalisées d'abord les conséquences extrêmes de leurs sympathies politiques et nationales, et déduire par erreur des dits Décrets de la Confédération le droit de délibération sur le Budget de la Monarchie Commune, le Gouvernement n'est point en état d'admettre, par suite du vote des Etats, le droit connu par l'Assemblée Fédérale quant aux lois financières indiquées dans le Décret du 7 Février de cette année (réserve faite de la question de compétence et de droit, à laquelle on ne veut pas faire allusion en ce moment), et il a la conviction d'avoir satisfait à la teneur et à l'esprit des dits Décrets par les propositions qu'il a faites en général et spécialement par la Patente en question. De plus, le droit des autres parties du pays qui est en dehors de la compétence de cette haute Assemblée, ainsi que le maintien du principe monarchique, ne peuvent être placés d une manière absolue sous un seul et même vote des Etats et d'une portion du pays, quoiqu'il fasse partie de la Confédération. Au point où en sont les choses, le Gouvernement Royal croit avoir fait tout ce qu'on pouvait attendre de lui pour obtenir le consentement des Etats, et il repousse désormais la responsabilité des suites que les dits résultats pourraient entrainer.

Enfin, l'Envoyé est chargé de remettre à l'honorable Assemblée tous les motifs et une copie de l'instruction au sujet d'une déclaration faite le 6 de ce mois par le Commissaire Royal, ainsi que le Rapport des Etats sur les principes d'une représentation commune et le projet d'une Constitution Provinciale pour le Duché du Holstein. Il doit encore ajouter que c'est à regret que le Gouvernement Royal

s'est vu réduit à la nécessité de rejeter, à cause de l'empiétement illégal des Etats dans les affaires d'une autre partie du pays, l'acceptation du Rapport sur le projet de loi relatif à la position provisoire du Duché dans la Monarchie.

[For Translation see Inclosure in No. 54.]

No. 53.

Lord A. Loftus to Lord J. Russell.—(*Received May* 6.)

My Lord, *Berlin, May* 4, 1861.

AT an interview I had this morning with Baron Schleinitz, I inquired of his Excellency what course was to be pursued by the Germanic Diet with reference to the communication lately made by the Danish Minister at Frankfort on the subject of Holstein.

His Excellency replied that the reply of the Danish Government had been referred to the Special Committee appointed to treat that affair, and that M. von der Pfordten, the Bavarian Minister at the Diet, had been charged to draw up a Report of the whole question as it now stands. It was possible, his Excellency added, that when that Report was presented to the Diet, the two great German Powers would be authorized to confer together, and to submit to the Diet their proposals as to the measures which they may judge it expedient for the Diet to take.

Baron Schleinitz observed to me that in pursuing this course, evidence would be given that the Diet were not disposed to act with precipitation.

In further conversation on this question, Baron Schleinitz stated that the character of the Diet must be borne in mind. "It is," said his Excellency, "a tribunal which can only pronounce a judgment in accordance with the principles of law, and the evidence of facts submitted to it. It is not free, like a Cabinet, to treat a question of this nature according to political expediency, and to yield, or not, as circumstances may suggest. It has to view and decide the question as one of a purely legal character. For instance," said his Excellency, "if a man is brought before a tribunal for a debt of 50 dollars, and is willing to pay 49 dollars, the Court of Justice has not the power, if it has once recognized the validity of the debt, to remit to the debtor any portion of the debt due. It may repudiate the debt as being wrongfully made; but if the debt is proved to be valid, the Court has only to pronounce sentence and to enforce its payment."

With respect to the question of Holstein, his Excellency observed that it was one of a purely German character, and that Germany would not, therefore, admit of any mediation or foreign intervention, no more than Prussia could admit of any foreign mediation or interference in the internal affairs of Prussia.

This did not, however, apply to Schleswig, which did not form part of the Germanic Confederation.

His Excellency (as if he had some knowledge of the proposals which your Lordship has addressed to the French Government for the arrangement of these difficulties, although I have made no mention of them to him) then observed that no definitive arrangement of the Holstein and Schleswig question could be brought about under present circumstances, which would be acceptable to all the parties concerned. He considered that there was too much public excitement on both sides to admit of a hope that any adjustment could be brought about. He was therefore of opinion that all which could be now obtained was a provisional state of things, or, as he termed it, a Provisorium. To arrive, therefore, at a Provisorium which would be acceptable to all parties was now the aim in view, and his Excellency considered that this may be obtained if Denmark should consent to agree to submit the quota Budget of the common expenses, not alone to the discussion of the Holstein States, but to grant to them the power of a full and decisive vote, and the power of rejecting any portion of that Budget; and secondly, that all laws for the Duchies of Holstein and Lauenburg should be submitted to the States for their acceptance, modification, or rejection.

His Excellency is of opinion that if the Danish Government would even now take the initiative, and would announce their perfect assent to the foregoing conditions, on the plea that their intentions had been misunderstood and misconstrued, and with a view to give a proof of their good faith and sincerity, then the whole question of difference between the Diet and Denmark would be settled.

I stated to his Excellency that the Danish Government had only lately made a communication to the Diet, and in a conciliatory spirit. It appeared to me, therefore, that the Diet might take the first step in this direction, and if they considered that the terms of the

Danish communication were not sufficiently clear, it was the Diet who could afford to the Danish Government the motive for a further explanation.

At all events some time will now elapse before the question is further actively proceeded with, and it is to be hoped that in the meantime some means may be found to bring both parties to an amicable understanding.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 54.

M. de Bille to Lord J. Russell.—(Received May 7.)

My Lord, *Legation of Denmark, May 6, 1861.*

I HAVE to-day received the inclosed printed copy of the declaration made by the Envoy of His Majesty the King of Denmark to the Frankfort Diet on the 27th of April last, concerning the Constitutional affairs of the Duchies of Holstein and Lauenburg, and I hasten to communicate the same to your Lordship.

I have, &c.
(Signed) TORBEN BILLE.

Inclosure in No. 54.

Declaration concerning the Constitutional Question of Holstein-Lauenburg, made by the Danish Envoy at the Meeting of the Germanic Diet of the 27th April, 1861.

(Translation.)

THE Envoy has been directed by his Government to make the following declarations in continuation of the notices given previously in the 10th and 12th sessions of this year (sections 76 and 94 of the Protocol) after the termination of the negotiations with the extraordinary Provincial States-meeting of the Duchy of Holstein, which have been already communicated to the High Assembly.

In view of the Federal Resolution of the 7th February last, repeated and amplified in its Resolution of the 8th March, the Danish Government has not been able to give up its prevously-expressed opinion that the above-mentioned Provincial States-meeting has no legal claim to a general deliberation in regard to the common affairs of the Monarchy, and that such wholly general concession would not be consistant with the orderly course of a regular Government. Yet, in the sincere desire of granting to the Holstein subjects of His Majesty the King, by amplifying their legal rights, new guarantees for an independent and free development, and of avoiding, as far as in it lies, incalculable complications, the Danish Government, which is called upon to consider and to equalize the rights and interests of the entire Monarchy as of the separate parts of the same, has been anxious to find a way by which it might satisfy the claims made in those Resolutions to a greater independence of the Duchy of Holstein, in regard to common affairs, without giving up guarantees wholly indispensable, and without trenching too closely upon the rights of the Sovereign and of the other parts of the Monarchy.

Whilst in this way the Government hoped that it might meet as far as possible the above-mentioncd Federal Resolution, and secure their practical tenour and aim by the introduction of a provisional state which gave an autonomy to Holstein with a free position in regard to common affairs, its object was, at the same time, by means of free negotiations with the States of Holstein, to reintroduce the only basis of a real common Constitution, namely, a common representation of all the parts of the country, which was considered to be necessary in and after the Supreme Proclamation of the 28th January, 1852. As a division of the whole representation of the Monarchy into two Chambers appeared most likely to remove essentially the difficulties which show themselves in the existing form, the fundamental bases of a plan were by Royal overture laid before the States, through which the Reichsrath would be formed at once of two Chambers, the first composed of thirty members at least, named by His Majesty for life, and the second of sixty members, to be elected for six years, a part directly, and a part indirectly, according to rules laid down by the Law of the 2nd October, 1855.

But the States did not accept this proposition, repeating their former declaration, "that the independence of the individual States, united with the Monarchy, was incompatible with a common representation in one body."

Independently of this proposition, draft of a law on the provisional position of the

Duchy of Holstein as to the joint affairs of the Monarchy was laid before the States. In this draft the Government proceeded from the idea that, on the one hand, if a common organ for legislation and taxation must be given up in the presence of a lengthened opposition on the part of the States, yet the common administration should be continued as hitherto; and that, on the other hand, if those powers were granted to the two representations it would then be necessary, by limiting the province on which collisions might take place, to preserve as far as possible the interest of the whole and the parts from such collisions; and should such yet occur, to seek the most satisfactory solution possible for them.

In regard to the tenour of the Resolutions taken hereupon, as the Envoy may refer to the draft here submitted, and also the motives of a law relating to the provisional position of the Duchy of Holstein towards the common affairs of the Monarchy, he has to make the following observations only on the chief points of the same.

A great part of the common affairs have, in addition to their common nature, a more or less local character, which allows, up to a certain point, differences to exist within the different branches without producing any very marked ill effect upon the common object. The Danish Government has not, indeed, evaded the contemplation of the practical difficulties which might be connected with a new set of regulations resting on this fundamental notion, but it was of opinion, on account of the reasons alleged, that it could not abstain from trying a plan of this kind.

For affairs of this kind, so far as they fall within the territorial limits of Holstein, § 9 of the Draft gave to the Provincial States of Holstein, saving, of course, the rights of the Royal Government, the exclusive legislative authority, whereby all collision between those States and the Reichsrath was removed. With respect to other joint affairs, which have not such local character, and which, in consequence, cannot be laid solely before the Holstein Assembly, a change of the existing state of things would infer, as a rule, an understanding between the Assembly of States of Holstein and the Reichsrath. But with a view to establishing a practical and just equality, and of remedying, when the case occurs, a disagreement between the two Assemblies, which it is difficult to avoid entirely, the Draft contemplated, in the former case, the formation of combined Committees, and, in the latter case, the Government reserved to itself the power of raising to a Law any Bill approved by one of the Assemblies, and considered to be urgent by it as well as by the Government, to be in force in that portion of the Monarchy represented by that Assembly; and then to take such measures of administration as the thus-produced difference of legislation in the different parts of the Monarchy demands (§ 6).

The same distinction has, in general, been taken as a principle in respect of the right of approval (the determination of the Budget of common expenses), in which the chief danger was, that two Assemblies acting separately might not come to a full understanding upon all the resolutions taken in detail.

For the expenses which belong especially to the interests of the Duchy of Holstein, and which stand in close relation to those matters exclusively reserved to the action of the States of Holstein, the right of assent was reserved exclusively to the Holstein representation, with the sole limit resulting from Federal law, that all expenses founded on the existing laws, or on the ordinary requirements of the different branches of administration, shall be included in a normal Budget which has a correlative ("correlat") for the other portions of the territory in the normal Budget legally determined for them on the 28th of February, 1856.

With regard to the other common expenses, which cannot be left exclusively to the consideration and approval of the separate Assembly, it appeared especially important to consider the provisions that are required for preventing the obstruction of insurmountable difficulties in the maintenance and development of a regular State administration, by a right of voting granted in common to the States of Holstein and to the Reichsrath. In order to attain this object, and to secure the regular requirements of the Administration, fixed amounts were specified for Holstein in the case of each of the several heads of account which were to be satisfied annually without an approval being declared on each renewal, for determining which a basis had been formed by the sums granted, in the several accounts, for the financial periods from the 1st of April, 1856, to the 31st of March, 1860, during which the Representatives of the Duchy of Holstein had shared in the corresponding deliberations of the Reichsrath. That also additional amounts beyond those fixed sums might become necessary, could not indeed be avoided; but these additions, so far as Holstein was concerned, were made to depend wholly on the free assent of the States.

This provisional position of the Duchy of Holstein towards the common affairs of the Monarchy, essentially corresponding in its general principles with the Resolution of the

8th March last under 1 and 2, was, however, rejected by the Provisional States of Holstein without the latter having taken occasion, by a more precise proposal, to specify any other way to facilitate, within the limits above indicated, the introduction of the Powers claimed for Holstein in the Federal Resolutions of the 8th March and 7th February.

Among the several provisions of the draft of the law under consideration, the Section 13 *in fine* deserves a particular mention.

As the financial resolutions contained in the Draft could not begin to act until the financial period, which commences on the 1st April of next year, the Danish Government considered of affording forthwith to the States, in another way, an opportunity of sanctioning the Budget for the financial year 1861-62, for the common affairs so far as regards Holstein. The High Federal Assembly, in the Federal Resolution of the 7th February, No. 1, declared on its part, could not consider the Patent of the 25th September, 1859, with all the further Ordinances founded thereupon in regard to the Budgets of Holstein and Lauenburg, to be legally existing, insomuch as they had not received the assent of the respective States. The High Assembly in thus bringing forward the attainment of the assent, and consequently of the submission of this law to the States, expressed at the same time its opinions on the object and the form of a subsequent similar negotiation with the States. On the one hand, the only question could be that of Holstein's share in the common income and expenditure, whereas the financial laws for the shares of the other parts of the territory assented to by their Represeutatives must, as a matter of course, remain untouched; on the other hand also, it was only the tenour of the Patent that the States were to have an opportunity of subsequently approving. The formal annulment of the Patent was not required by the Resolution, and could not have been permitted.

Although the Royal Government could not admit that the conditions laid down by the Federal Resolution of the 7th February last were founded in existing legal relations, and moreover, as experience has subsequently too clearly shown, must look upon an unconditional admission as impracticable, for the reason that the ultimate consequences that might but too easily be drawn therefrom would, against the opinion of this High Assembly, rather prevent than facilitate an understanding, yet it was its most earnest endeavour, in regard to this, to give effect to the tenour of the Resolution (under section 1). Therefore the Patent of the 25th September, 1859, was, by means of the above-mentioned Section 13, laid before the States for their approval as part of the Bill, and, in order to enable them to look closely into the various individual amounts entered therein, the Royal Commissioner declared himself ready forthwith to give every necessary information regarding them.

As in this way a complete body of information (material) was at the disposal of the States to judge of the financial requirements within the given limits, it was on the other hand declared by the Royal Commissioner that they were allowed perfect liberty of action, so that they might discuss, or at their free will alter in single points, the separate amounts, and that thus they could take a Resolution ("Beschluss") upon the financial year from April 1 of this year to 1862. The result of any voting on this would finally, as a collected whole, be laid before His Majesty the King for his sanction, as the Budget for the share of Holstein in the common receipts and expenses.

It could not at that time certainly be supposed that the States would, by their Resolutions, place insurmountable obstacles in the way of His Majesty the King for carrying on the Government. In the meantime, to obviate all uncertainty in this matter, it was expressly declared by the Royal Commissioner that if, contrary to expectation, such should occur, the necessary consequence would be that His Majesty would be compelled to take those measures which, by the supreme right and duty of His Majesty as Sovereign, would become indispensable for the government of the country.

This reservation, which is wholly grounded upon the obligations of the Monarch and on Federal laws, is also justified, inasmuch as the greater part of the sums entered in the Patent of the 25th of September had been already determined in the normal Budget issued in the year 1856 by Royal Resolution as law for the Monarchy, and also binding on the Reichsrath, and a rejection of these amounts by the States would have led to almost inextricable confusion. As to the value of the reservation, or of the warning on the part of the Royal Government (in regard to which it will only mention, by the way, the tenour of the Federal Resolutions of the 28th of June, 1832, Articles 1 and 2, and the reference of the same to the 57th and 58th Articles of the Final Act of Vienna) there could not at the utmost be any complaint made unless the States, after having duly gone through an examination of the Budget as required subsequently by the Confederation, and, without doubt, freely conceded by the Government, should refuse the amounts or move for a diminution thereof, and that the Royal Government should then decline to attend to the same without any satisfactory reason. But this contingency has not occurred.

For a definitive explanation it is necessary to add also that, if the Royal Government thought it requisite to prefer the acceptance of the said Patent in section 13 of the draft to a special proposition, this was the more natural, inasmuch as in the opinion of the Royal Government it was not simply a question of bringing forward anew a financial law which had been for a long time in force, but for the transition to a more durable state of things, which, if an understanding could have been come to in respect of the provisional arrangement, would not have offered very considerable difficulties. Things naturally took a different position so soon as it appeared that the States intended to reject the whole of the proposed provisional arrangement. It was then made known to the Assembly by the Royal Commissioner that this circumstance, however the Royal Government might lament it, would not be the cause of any change in the opportunity given to the States to deliberate on the Patent, but rather that the Assembly was in the same position as if the Patent had been laid before it independently and separate from the Bill.

In this manner the Patent of the 25th September, 1859, by which the whole share of Holstein to the common revenues and expenses of the Monarchy was fixed for the financial period of 1860-62, was brought by way of supplement before the States in a completely satisfactory form, in the fullest extent, and in the most practical way possible.

Notwithstanding this, the Assembly declared that "it would not enter into a discussion in the way suggested by the Royal Government, of the proposition indicated as a budget of the share of the Duchy of Holstein in the common receipts and expenses for 1861-62." In so far as political motives wholly foreign to the subject were alleged, the Royal Government will not give a name to such a proceeding of the States, which made the approval of the expenses necessary for carrying on the Government to depend directly or indirectly on the realization of wishes which had nothing to do with the subject. But if a Report furnished by the Committee of the States-Assembly is to be made available as the financial reason why the concessions agreed to with the Reichsrath and sanctioned by the King for the shares of Denmark and of Schleswig for the current financial period, according to the supposition of the Royal Government, should, notwithstanding, remain in full force, the encroachment attempted here upon the most undoubted right and independence of the other portions of the territory is only too visible to require any more stringent notice.

At length a new draft of a Constitutional Law was laid before the States for their consideration, relative to the particular affairs of the Duchy of Holstein. But although the Government, in drawing up this had considered in their full extent the propositions previously moved by the States, and notwithstanding that the draft amply guaranteed the development of civil liberty and real independence, the Assembly thought proper to refuse the acceptance of an acknowledged improvement of the Provincial Constitution, until a full satisfaction should be given to their wishes regarding other matters.

This then is the result, deeply regretted by the Royal Government, of the negotiations held with the States of Holstein. Its proposals in relation to the definitive arrangements of the Monarchy, to the provisional position of Holstein, and to the Provincial Constitution of the Duchy, are all rejected; and the States have also refused to take into consideration the budget for the share of Holstein in the common receipts and expenditure for the financial year 1861-62. In everything, even in provincial questions, and in those of financial administration, political motives have been preponderant with the States, and in fact these openly-avowed motives and plans consist in nothing less than making it impossible to carry out the arrangements founded upon the Sovereign Proclamation of the 28th January, 1852, and approved, for Holstein, by the Federal Assembly in its Resolution of the 29th July, 1852; in exercising a wholly unjust and unbecoming preponderance in the Monarchy; and finally, as the last object, to bring Holstein into an exclusive political union with the Duchy of Schleswig, in decided opposition both to the rights of the Sovereign and the acknowledged legal principles of the Danish Monarchy.

This step of the Royal Government also was consequently unsuccessful. At a suitable time the Royal Government opened negotiations through its Commissioner with the Confederation, for the purpose of more precisely determining the question of Holstein, but the propositions for this effect were not accepted by the High Federal Assembly. The Royal Government thereupon repeatedly sought to come to an understanding by direct negotiations with the States, but these have rejected every approach; they have spoken out decisively against the arguments, the basis, and the consequences of the whole Monarchy, and have declared that they would not anticipate the Confederation in its decisions.

The Royal Government may, however, assume that it lay as little within the views of the High Federal Assembly to ask for that which the States understand by a complete execution of the two frequently-named Federal Resolutions, as it undoubtedly would have

been impossible for the Government to assent to such demand. In drawing up these Resolutions it was certainly not supposed that the States would either refuse altogether their assent to what the Government was required to do, or to connect it with inadmissible and impossible counter-conditions. If now the States will not accept a strongly guaranteed and ample right to a Constitutional self-government ("Selbstbestimmung"), powers equal to and collateral with the Reichsrath, offered by 1, c. 2, of the Resolution of 8th March, 1860, and a Provincial Constitution, admitted, even in the present epoch of excitement and exasperation, to be a great step in advance; unless they can receive at the same time powers in the political and legislative action of the other parts of the territory; if they reject the right of discussing and voting on the Budget of the current financial year, because they desire to see first realized the ultimate results of their political and national sympathies, and to infer erroneously from those Federal Resolutions the right of making resolutions upon the Budget of the whole Monarchy;—the Royal Government, at all events, is not in a position to consider as undoubted, because of the assent of the States, the legality of the financial laws mentioned in the Resolution of the 7th of last February, unacknowledged (?) by the Federal Assembly (to say nothing of the questions of competency and right, on which no discussion is now intended), but it has the conviction, that, through the propositions made by it, as well generally as particularly by means of the Patent, it has satisfied as far as possible the tenour and the objects of those Resolutions. Beyond this it is forbidden to go, as well by the rights of the other portions of the territory not within the competency of this High Assembly, as by the maintenance of the Monarchical principle, which, even in the parts of the territory appertaining to the Confederation, will remain in a state coexistent and collateralwith the assent ("Zustimmung") of the States, but cannot without limit and unconditionally be placed under it. As things are now, the Royal Government considers that it has done everything that could be expected from it for obtaining the assent of the States, and is compelled to decline accepting the responsibility for the consequences of the results which have taken place.

Lastly, the Envoy is directed to deliver to the High Assembly the whole of the above-mentioned drafts of laws which have been laid before the States, together with the reasons of the same, and a copy of the instruction for a declaration made on the 6th instant by the Royal Commissioner; as also the most respectful considerations of the States upon the principles of a common representation contained in the supreme communication, and upon the plan of a Provincial Constitution for the Duchy of Holstein;—in doing which he feels bound to add, that the Royal Government laments that it has been compelled, by the improper interference of the States in the affairs of the other parts of the territory, to reject the most respectful considerations upon the draft of the law for the provisional position of the Duchy in the Monarchy

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No. 55.

Lord J. Russell to Earl Cowley.

My Lord, *Foreign Office, May* 9, 1861.

THE Count de Flahault having asked for explanations on several points of my despatch of the 19th ultimo, relating to the affairs of Holstein, I address to your Excellency, to Lord Napier, and to Mr. Jerningham, the accompanying despatch.*

If any other points require elucidation, I shall be happy to furnish it.

I am, &c.

(Signed) J. RUSSELL

No. 56.

Lord J. Russell to Earl Cowley.†

My Lord, *Foreign Office, May* 8, 1861.

IN order to enable the Governments to whom our proposals respecting the affairs of Denmark and Germany have been communicated, to understand clearly the views and intentions of Her Majesty's Government, I propose in this despatch to enter into full explanations.

The first two proposals in my despatch of the 19th ultimo are intended to meet and to satisfy the requirements of the German Confederation. Her Majesty's Government

* No. 56. † Similar despatches were addressed to Lord Napier and Mr. Jerningham.

have never proposed to interfere with the decision of the Diet of Frankfort in regard to a State forming part of the Confederation. When the Diet by an unanimous vote has interpreted the obligations of a State belonging to the Confederation in a certain sense, Her Majesty's Government do not pretend to give to the Federal Act a different sense. They do not pretend to limit or circumscribe the action of the Confederation within its own territory.

But it is evident that Denmark does not fully or unreservedly subscribe to the competency of the Diet within its own territories. She makes certain reserves as to the budget, she refuses to surrender the power of demanding taxes by prerogative, she seems to dread a permanent concession.

The Diet of Holstein, on their side, seems anxious to avoid a settlement on the terms proposed by the Confederation. If on their meeting on the 4th of April they had proceeded to vote the budget, with all the retrenchments they thought it expedient to propose, it is clear they would have brought to a decisive test the sincerity of the Danish Government, who must have accepted and given the Royal sanction to the budget thus amended, or have put plainly forth the power of the prerogative, and the binding force of the Royal Patent of 1859.

Thus the question would have been brought to an issue. But this issue the Diet of Holstein seemed above all things desirous to avoid.

If we examine the causes of this reluctance, on the part both of Denmark and of Holstein, to come to a clear decision upon the demands of the Diet of Frankfort, those causes are not far to seek. The contentions, the State papers, the pamphlets, and the newspapers of the last few years have thrown ample light upon the views, the desires, and the apprehensions of the two parties.

It is obvious, then, that Denmark fears that the complete ascendancy of the Diet of Holstein in that Duchy would lead to encroachments upon Schleswig.

Nor can it be said that these fears are without foundation.

The German Powers, it is true, do not as a Confederation ask anything as to Schleswig. But it is not concealed, as is evident from the language of Baron Schleinitz and other German Statesmen, that there cannot be any permanent settlement which does not embrace Schleswig. The party called the "National-Verein" in Germany always speaks of restoring the old connection between Holstein and Schleswig, and evidently intends by that connection to bind Schleswig not only to Holstein but to Germany. For, it is obvious, if Holstein makes a demand on behalf of the German inhabitants of Schleswig, she will seek and obtain the support of Germany in pressing those demands upon Denmark. So that the authority of Denmark in Schleswig would become null, and Schleswig would, for all purposes of legislation and government, become part of Germany.

But if those fears of Denmark are not without foundation, there are fears on the part of Germany no less grounded.

The promises of the King of Denmark with regard to the German inhabitants of Schleswig, it is averred, have not been carried into effect by his Ministers and their agents. At no time have men of German origin, it is said, been put on an equality with their neighbours of Danish race. Again, it is apprehended that if the affairs of Holstein are settled, Schleswig will be incorporated with Denmark, in disregard of solemn promises, to the great injury of the German dwellers in Schleswig and to the great disparagement of the honour and reputation of Germany.

If these opposite fears have, as Her Majesty's Government believe, both a foundation in reason and great influence over the passions both in Germany and Denmark, Schleswig, as well as Holstein, must be comprehended in any arrangement intended to be permanent.

Two extreme courses are suggested for this purpose. The Danish course is to incorporate Schleswig with Denmark. The German course is to unite Schleswig with Holstein, and ultimately with Germany.

As a middle course it has been proposed to divide Schleswig into a German and a Danish portion: to unite the German portion with Holstein, and incorporate the Danish portion with Denmark.

To the first of these modes of settlement Germany would object as contrary as well to the ancient rights of the Duchy, as to the promises made by the King of Denmark to Austria and Prussia, when they consented to reinstate him in his authority after the last war, that he would not incorporate Schleswig.

To the second, Denmark would object as the revival of a connection which was finally put an end to by the arrangement made after the war between Germany and Denmark.

There can be little doubt that Denmark would also object to the division of

Schleswig into a German and a Danish Schleswig. There would in effect be a great danger of the revival of disputes on the frontier wherever any portion of the population is German. It would, therefore, be necessary, in a place where an insignificant proportion of the population is German, to join that place with Holstein; and the Danes would naturally in their turn complain of the hardships of their oppressed nationality.

It therefore seems to Her Majesty's Government that a solution of the question must be sought:

1st. By separating Holstein from the Danish provinces as completely as Luxemburg is separated from Holland.

2ndly. By uniting Schleswig with Denmark for purposes common to the Monarchy.

3rdly. By retaining in the Duchy of Schleswig, as Austria retains in Bohemia and Gallicia, a local Representative Body, as a guarantee for those rights and interests of the German inhabitants of Schleswig, the neglect of which has given rise to so much complaint.

Her Majesty's Government conceive that the propositions they have submitted to the Governments of France, Russia, and Sweden are calculated to put an end to the embarrassment of a question which, in its present shape, threatens the peace of Europe.

There are some questions, however, which naturally arise out of the propositions themselves which Her Majesty's Government have put forward.

One of these is, what is to be the consequence of a refusal of the States of Holstein to grant the money required, as the quota of Holstein, for one of the branches of the public service. For instance, let it be supposed that 1,000,000 of rix-dollars are asked for the service of the navy, of which 200,000 are the quota of Holstein, and that the Diet vote only 100,000, what is to be the consequence?

The same question has been asked by M. Hall, and it has been answered in a despatch to Mr. Paget, of which I inclose a copy.*

Supposing, however, this point to be conceded by Denmark, there will arise, no doubt, many difficulties of detail. The Crown domains of Holstein, for instance, are claimed by the King of Denmark as part of the Crown revenue, and by the States of Holstein as part of the income of the Duchy.

If the main principles, however, were agreed to, this and other questions might fairly be submitted to arbitration.

There remains a question upon which the French Government have asked me to explain the views of Great Britain:—In what manner are these proposals to be communicated, and what is to be the conduct of the four Powers if they are rejected?

To this question Her Majesty's Government answer that these proposals should, in their opinion, be communicated, in the first place, to Austria, Prussia, and the German Confederation. They should be presented without any offer of mediation, simply as a plan upon which an equitable settlement might be founded, and a manifest danger to the peace of Europe averted. They should be accompanied with the expression of the most friendly sentiments, and of a desire not only to respect the rights of Germany, but to promote the welfare of all Germans living under Danish rule.

But if the German Confederation should decline to entertain these propositions, Her Majesty's Government are of opinion that nothing further should be done upon them.

I have explained, at the commencement of this despatch, that Her Majesty's Government in no way dispute the right of the German Diet to treat of matters relating to the territories of the Confederation. The Duchies of Holstein and Lauenburg are such territores.

In the Resolutions of the Diet, as we understand them, there is no encroachment proposed on the Danish Monarchy, nor any abridgment of the rights of the Rigsraad, or of the Diet of Schleswig, to vote money, and make laws for Denmark and for Schleswig.

In the event, therefore, of an absolute refusal of the Confederation to entertain these proposals, Germany would remain confronted with Denmark, and pursue its course upon this question, charged with all its responsibilities, and exposed to all its dangers.

Great Britain, France, Russia, and Sweden, would remain free to act or not to act, to deliberate separately, or in concert, as the interests of Europe and their own position might seem to require. In any event it could not but redound to their credit that they had treated this question in a spirit of equity, and had sought a solution free from any interested views, and with the hope of averting hostilities, of providing for the welfare of the people of Holstein and Schleswig, and of thus establishing a lasting peace.

I am, &c.

(Signed) J. RUSSELL.

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* No. 49.

No. 57.

Lord Napier to Lord J. Russell.—(*Received May* 11.)

My Lord, *St. Petersburgh, May* 4, 1861.

IN consequence of the exercises of Holy Week, Prince Gortchakoff was unable to give his attention to your Lordship's proposals respecting Schleswig-Holstein as soon as he desired.

The Prince asked me to come to his office this afternoon, and there read aloud, and placed in my hands, the inclosed document comprising his remarks on the articles submitted for the consideration of the Russian Cabinet.

These observations are so explicit that they scarcely call for any commentary on my part. I have only to report to your Lordship the reflections which passed between his Excellency and myself on a single point, viz., on Article 5 of the proposed terms of settlement, that which provides for a guarantee to be given to the Government of Denmark by England, France, Sweden, and Russia, for the possession of Schleswig.

The Russian Minister asserts in this Memorandum, as he before asserted verbally on first taking cognizance of your Lordship's suggestions, that the contemplated guarantee of the four Powers would weaken the guarantee, or, rather, the general engagement on behalf of the Danish Monarchy, contained in the Treaty of 1852, an engagement which was fortified by the signatures of Austria and Prussia, and by the subsequent adherence of other Governments. The engagement of 1852 was, therefore, according to the Prince, both wider in its scope and stronger in its securities than the limited guarantee now advised. His Excellency, moreover, remarked that the superfluous reiteration of such a guarantee by the Four Powers would irritate Germany and Holstein, and indispose them to an amicable settlement. He also saw some inconvenience, and an appearance of distrust, in making an engagement to which Austria and Prussia were not invited to be parties.

In commenting on the Memorandum and replying to the arguments of the Prince, I pointed out the great difference between a real guarantee such as that contemplated by your Lordship, and any recognition or affirmation, however formal and solemn. The engagements of 1852 asserted the principle of the permanent integrity of the Danish Monarchy, but did not bind the signatary parties to defend it. The guarantee now proposed by your Lordship was a revival in a common bond of the ancient separate guarantees of the last century, given by England, France, Russia, and Sweden. Those guarantees were also different in their bearing on Schleswig from the engagements of 1852. The latter asserted the integrity of the Danish Monarchy, but did not stipulate anything respecting the relations of its parts to each other. Under the engagements of 1852, Schleswig might be united to Holstein; but under the ancient guarantees, and under the guarantee now proposed, the direct and inseparable connection of Schleswig and Denmark Proper was laid down. The proposed guarantee might be offensive to certain parties in Germany or Holstein, but it would be an inducement to Denmark to accept the other conditions and carry them out.

The Prince would not admit that practically there was any difference between the engagements of 1852 and a guarantee. He did not care to enter upon nice distinctions: he looked to the result. A solemn recognition by almost all the Powers of Europe of the principle of the permanent integrity of the Danish Monarchy, was virtually a guarantee—it afforded as strong a security as possible. His Excellency also remarked upon your Lordship's proposal as one rather repugnant to at least the moden policy of England, which did not willingly admit guarantees in the old sense of positive engagements to maintain and defend by force of arms. He did not feel sure whether the term "guarantee" had been used quite advisedly, or in the meaning I attributed to it. In 1852 the word "guarantee" had not been inserted in the Protocols of London, from deference to the views of Her Majesty's Government.

I asked Prince Gortchakoff whether he recognized the old engagements of Russia towards Denmark, guaranteeing the possession of Schleswig to that Monarchy—those, I meant, of 1767,—as still binding on the Imperial Government. The Prince did not give me a very positive reply to question. He seemed to regard the old Treaties as engagements belonging to political relations long since vanished, and which could no longer be invoked in the light of living obligations. The Treaty of 1852, said his Excellency, represents the engagements of Russia towards the Danish Monarchy; if that Treaty were to be laid aside we might bring the earlier Treaties under discussion. The same view pervades the remarks of the Prince on this subject consigned in the Memorandum, in which he does not, however, allude to the engagements of Russia

towards Denmark at the period above mentioned, but confines his strictures to the previous guarantees of the other Powers.

The Prince, in short, considers the integrity of the Danish Monarchy to be sufficiently secured by existing stipulations of a recent date, which have, in his opinion, all the force of a European guarantee and settlement. He apprehends that a new Treaty of guarantee contracted by four Powers apart from the rest might irritate interests which it is desirable to conciliate without giving any additional right or strength to Denmark.

I have, &c.
(Signed) NAPIER.

Inclosure in No. 57.

Observations by Prince Gortchakoff upon the Despatch from Lord J. Russell, dated April 19, 1861.

LES propositions du Principal Secrétaire d'Etat de Sa Majesté Britannique ont pour but d'amener un arrangement à l'amiable du différend Dano-Allemand, afin de prévenir ainsi un conflit entre le Royaume de Danemarc et la Confédération Germanique. Envisagées sous ce point de vue, elles ne pouvaient manquer d'être favorablement accueillies par le Ministère Impérial et prises en très sérieuse considération. Voici les observations auxquelles elles pourraient donner lieu :—

1*re Proposition.*—La quotepart du Budget commun de la Monarchie qui affecte les Duchés de Holstein et de Lauenbourg devrait être soumise aux Etats du Holstein et du Lauenbourg respectivement, pour en être acceptée, amendée, ou rejetée.

2*de Proposition.*—Les lois qui concernent les Duchés du Holstein et de Lauenbourg devraient être soumises à la Diète du Holstein et à celle du Lauenbourg respectivement, pour en être acceptées, amendées, ou rejetées.

Ainsi que le Principal Secrétaire d'Etat de Sa Majesté Britannique veut bien l'observer, ces deux propositions répondent en substance aux exigences de la Diète Germanique, en tant au moins qu'elles nous sont connues. En effet, par son Arrêté du 8 Mars, 1860, l'Assemblée Fédérale a demandé que pendant la durée du régime provisoire, et jusqu'à l'établissement d'une Constitution commune à l'ensemble de la Monarchie, tous les projets de loi soumis au " Rigsraad," en tant qu'ils doivent être obligatoires dans le Holstein, soient également présentés aux Etats Provinciaux de ce Duché, et qu'aucune loi relative à des affaires communes, notamment celles en matière de finances, ne soit donnée pour le Duché, sans l'assentiment de l'Assemblée Provinciale.

Le Danemarc n'a pas cru pouvoir reconnaître cet Arrêté comme strictement fondé sur les dispositions que renferme la Proclamation Royale du 28 Février, 1852. Il a surtout objecté à l'idée de devoir soumettre aux délibérations des Etats du Holstein, et à leur décision, des affaires qui ne concernent pas spécialement et exclusivement ce Duché, et qui, par conséquent, doivent être rangées sous la catégorie des affaires communes. Il a déclaré que s'il en était décidé autrement, et qu'il fallût reconnaître aux Etats une compétence et un droit de contrôle dans les affaires intérieures du reste de la Monarchie, ce qui serait une conséquence nécessaire de la discussion du Budget, et d'autres lois dans leurs rapports avec les lois financières et autres communes au Royaume proprement dit, l'exercice du pouvoir souverain deviendrait impossible. Malgré ces difficultés, il est peut-être permis d'espérer que le Gouvernement Danois se soumettra à un Arrêté conçu dans le sens des deux premières propositions, s'il était assuré qu'à cet Arrêté il ne sera pas attribué un effet rétroactif, ainsi que les Commissions réunies de la Diète Fédérale l'ont fait à l'égard de l'Arrêté du 8 Mars, 1860 ; en d'autres termes, que le Gouvernement ne sera pas sommé de soumettre à l'examen et à la discussion subsidiaire des Etats des dispositions d'une date antérieure, en tant qu'elles ont déjà reçu leur exécution. Ceci se rapporte particulièrement aux Ordonnances du mois de Septembre 1859.

Une entente à ce sujet serait peut-être d'autant plus facile qu'aux termes de la Constitution de 1855, le " Rigsraad " dont il a été fait mention ne sera réuni que vers la fin de 1862, et que dans l'intervalle les esprits, il faut l'espérer au moins, auront le temps de se calmer ou de se raviser. La Constitution de 1855 étant abrogée pour les deux Duchés Allemands, la Diète Fédérale semble avoir à cœur de les garantir contre l'influence que le " Rigsraad " pourrait y exercer indirectement en l'absence de Représentants du Holstein et du Lauenbourg.

3*me Proposition.*—Le Duché de Slesvig devrait envoyer des Représentants au Parlement Danois, afin d'y voter les dépenses communes ainsi que les lois de la Monarchie.

Cette proposition en elle-même ne saurait rencontrer aucune difficulté, puisque la

Constitution de 1855, encore en vigueur dans le Slesvig, appelle les Députés de ce Duché à prendre part aux travaux législatifs du Rigsraad. Seulement, il resterait à savoir s'ils y sont en nombre suffisant pour défendre les intérêts de leur pays. Aux termes des Articles 24 et suivants de la Constitution, le Rigsraad devait se composer, sauf erreur, de 80 membres. Mais cette disposition a dû subir des modifications depuis la sortie des Députés du Holstein et du Lauenbourg. Aujourd'hui, à ce qu'il paraît, il n'y a que 60 membres, dont 15 nommés par le Roi, les autres élus soit par l'Assemblée Représentative, soit par suffrage direct. Il serait difficile pour le moment de déterminer au juste dans quelle proportion les Slesvicois participent, tant aux nominations Royales qu'aux résultats des élections et du suffrage direct, et plus difficile encore de décider la question de savoir jusqu'à quel point, dans le Duché de Slesvig, une parfaite impartialité est observée, pour les différents modes, entre la nationalité Allemande et la nationalité Danoise. Toujours est-il que selon toute apparence c'est l'élément Danois qui prédomine. D'après les dispositions primitives de la Constitution (sec. 26, 27, et 28), il devait y avoir, sur 80 membres, 13 Slesvicois, dont 3 nommés par le Roi, 5 élus par l'Assemblée Provinciale du Duché, et 5 provenant du suffrage direct.

4me Proposition.—La Diète Spéciale du Slesvig devrait continuer à être élue et à s'assembler conformément à la loi actuelle. L'action de cette Diète devrait consister à voter les sommes nécessaires au maintien des églises et des écoles, ainsi que les autres dépenses, et à pourvoir par des lois égales au bien-être des populations Danoise, Allemande, et autres qui se trouvent dans le Duché.

Cette proposition tend à maintenir le *status quo* actuel, et le Gouvernement Danois n'y objectera point. Mais il serait à désirer qu'il consentît à compléter les concessions qu'il y a un an il annonça l'intention de faire au Duché de Slesvig, notamment pour ce qui concerne l'usage de la langue Allemande, le droit d'association, l'exercice des droits politiques par les amnisties. Il serait essentiel qu'en même temps il pût offrir à la population Allemande une garantie contre l'intervention arbitraire et souvent oppressive des autorités locales, soit dans les élections, soit dans les affaires d'administration ou de police. Enfin, et c'est un point fort important, il ne saurait assez rassurer le Duché de Slesvig, comme celui de Holstein, sur la conservation des liens non politiques qui existent entre eux depuis des siècles. A cet égard il a plus d'une fois pris des engagements qui ont été formellement confirmés par la publication Royale du 28 Janvier, 1852; et c'est la crainte, vraie ou affectée, de voir ces liens se dissoudre, qui a déterminé le rejet des propositions soumises en dernier lieu à l'Assemblée d'Itzehoe.

5me Proposition.—Ces points une fois admis et proclamés solennellement par le Roi de Danemarc, les quatre Puissances, la France, la Grande Bretagne, la Russie, et la Suède, garantiraient à la Couronne de Danemarc la possession du Duché de Slesvig.

Lord John Russell ne s'est pas expliqué sur les motifs de cette proposition. L'idée d'une garantie pour la paisible possession du Duché de Slesvig n'est pas nouvelle. En 1715, 1720, et 1727, l'Angleterre, la Prusse, la France, la Suède garantirent successivement cette possession au Roi de Danemarc; mais ce fut dans des circonstances tout différentes de celles d'aujourd'hui et par des motifs qui heureusement n'ont plus aucune raison d'être. Rappelons seulement que les garanties d'alors, accordées en temps de guerre ou en vue de quelque acte d'hostilité dirigé contre le Danemarc, étaient pour la plupart corroborées par une alliance défensive et la promesse d'une assistance matérielle. Encore ne s'appliquaient-elles pas au Duché tout entier, mais seulement à cette partie du territoire que la Maison de Holstein-Gottorp avait possédée avant 1713, et qu'elle cherchait à reprendre.

Nous ne pensons pas que le Danemarc puisse de nos jours invoquer les Actes de 1715 et des années qui l'ont suivi. Aujourd'hui l'intégrité de la Monarchie Danoise se trouve placée sous la garantie du Traité de Londres du 8 Mai, 1852. Les quatre Puissances que le Principal Secrétaire d'Etat convie à la garantie spéciale pour le Duché de Slesvig sont au nombre des signataires de ce Traité, et, qui plus est, les deux principales Puissances de l'Allemagne, l'Autriche et la Prusse, ont pris une part directe à sa conclusion. Plus tard quelques Etats Allemands du second ordre et tous les autres Etats de l'Europe y ont adhéré sans réserve aucune; et même parmi les membres de la Confédération Germanique, ceux qui ne croyaient pas pouvoir, par une accession formelle, préjuger les décisions de la Diète Fédérale, n'en ont pas moins rendu hommage à la sagesse des vues qui président au Traité de Londres. Il a donc acquis le caractère d'une transaction Européenne. Le mot de "garantie" ne s'y trouve pas, il est vrai; mais les Puissances qui ont pris part à cette transaction, soit directement, soit par leur accession, ont formellement reconnu "que le maintien de l'intégrité de la Monarchie Danoise, lié aux intérêts généraux de l'équilibre Européen, est d'une haute importance pour la conservation de la paix;" elles ont établi comme permanent le principe de cette intégrité, et pris en

conséquence l'engagement de reconnaître le nouvel ordre de succession au Trône que le Roi de Danemarc avait éventuellement adopté pour le maintien de ce principe.

En face d'une manifestation si solennelle et si imposante, il semble que la combinaison proposée sub No. 5 aurait des inconvénients plutôt qu'elle n'offrirait une utilité réelle et pratique. Il est douteux d'abord que le Danemarc lui-même, à moins qu'il n'y trouve un moyen de plus d'empêcher l'annexion du Duché de Slesvig à la Confédération Germanique, annexion que l'Allemagne demanda si péremptoirement en 1848, que le Danemarc lui-même veuille accepter une garantie pour une seule partie de son territoire, et de la part de quelques unes seulement des Puissances qui ont concouru au Traité de Londres, tandis que ce Traité lui accorde une garantie morale bien autrement importante.

La combinaison proposée attesterait en quelque sorte le peu de confiance que la France, l'Angleterre, la Russie, et la Suède, placent elles-mêmes dans l'œuvre de 1852. Elle compromettrait donc aux yeux de l'Europe la haute valeur du Traité de Londres, sans parler des justes motifs de mécontentement qu'elle fournirait à l'Autriche et à la Prusse.

Quant à l'intérieur de la Monarchie Danoise, la garantie spéciale pour le Slesvig aurait pour effet de raviver les agitations des partis en lutte depuis tant d'années. Le parti appelé "Eider Danois" la saluerait avec joie comme un acheminement vers l'incorporation du Duché dans le Royaume proprement dit. Le parti Allemand y trouverait un nouveau défi à l'adresse de sa nationalité et n'en insisterait qu'avec plus de force sur l'annexion à la Confédération Germanique. Il n'est nul besoin de faire mention du retentissement que ces tendances opposées auraient en Allemagne. Les Holsteinois enfin, ceux au moins qui ne demanderont qu'à vivre sous la domination de leur Roi, ne manqueraient pas de considérer l'acceptation d'une garantie pour le Slesvig comme un moyen de plus de faciliter la séparation complète de l'un et l'autre Duché.

Telles sont les considérations qui nous font désirer que le Cabinet Britannique veuille renoncer à cette idée.

6me Proposition.—Des Commissaires devraient être nommés, l'un de la part du Danemarc, l'autre de la part de l'Allemagne, et le troisième de la part des quatre Puissances, afin de définir la limite du Duché de Slesvig.

La garantie mentionnée dans l'Article précédent comprendrait le Duche ainsi limité et défini.

Le Cabinet Impérial ne saurait, sauf ce qui concerne la garantie (Article 5), ne pas se déclarer entièrement d'accord avec cette proposition. Même sans l'éventualité d'une garantie, il est d'une haute importance que la délimitation du Duché de Slesvig soit bientôt et définitivement réglée. Ce travail exécuté avec impartialité, et le concours d'un Commissaire non Allemand ni Danois, permettrait de compter sur des décisions impartiales, et fermerait au moins une des sources de dissensions entre le Danemarc et l'Allemagne. Entrepris en temps utile, il préviendrait notamment les discussions auxquelles la prétention de faire de Rendsbourg une forteresse Fédérale pourrait donner lieu.

7me Proposition.—Les engagements du Traité de 1852, en tant qu'ils ne sont pas altérés par les Articles ci-dessus, devraient être inviolablement maintenus.

Aucun des Articles ci-dessus, à l'exception de celui sous le No. 5, ne porte atteinte aux engagements contractés par le Traité de 1852, engagements que le Cabinet Impérial se plait aussi à considérer comme inviolables. Au reste, l'Article III du Traité a expressément réservé comme ne pouvant être altérés par ses autres stipulations les droits et obligations réciproques du Roi de Danemarc et de la Confédération Germanique concernant les Duchés de Holstein et de Lauenbourg.

St. Pétersbourg, le 23 *Avril,* 1861.

(Translation.)

THE propositions of the Principal Secretary of State of Her Britannic Majesty have for their object to bring about an arrangement of the Dano-German dispute, in order thus to prevent a conflict between the Kingdom of Denmark and the Germanic Confederation. Considered in this light, they could not fail to be favourably received by the Imperial Ministry and taken into its most serious consideration.

The following are the observations to which they give rise:—

1st Proposition.— The quota of the common Budget of the monarchy which affects the Duchies of Holstein and Lauenburg should be submited to the States of Holstein and Lauenburg respectively, to be accepted, amended, or rejected by them.

2nd Proposition.—The laws which relate to the Duchies of Holstein and Lauenburg should be submitted to the Diets of Holstein and Lauenburg respectively, to be accepted, amended, or rejected by them.

As the Principal Secretary of State of Her Britannic Majesty will have the goodness to observe these two propositions substantially fulfil the requirements of the Germanic Diet, so far at least as they are known to us.

In fact, the Federal Assembly, by its decision of the 8th of March, 1860, has demanded that during the continuance of the provisional régime, and the establishment of a constitution, common to the whole of the Monarchy, all projects of law submitted to the "Rigsraad," so far as they are binding in Holstein, should be equally presented to the Provisional States of that Duchy, and that no law relating to ordinary business, and especially no law relating to matters of finance, shall be enacted for the Duchy, without the assent of the Provisional Assembly.

Denmark has not been able to consider this principle as one strictly founded on the dispositions contained in the Royal Proclamation of the 28th February, 1852. It has above all, objected to the idea of having to submit to the deliberation and discussion of the States of Holstein, affairs which do not specially and exclusively concern that Duchy, and which consequently should be placed in the category of ordinary business.

It has declared that, were it decided otherwise, and should it have to recognize in the State a jurisdiction and right of control in the internal affairs of the rest of the Kingdom which would be a necessary consequence of the discussion of the Budget, and of other laws in their relations with the laws of finance and other common to the Kingdom properly so called, the exercise of the Sovereign Power would become impossible. Notwithstanding these difficulties it is perhaps allowable to hope that the Danish Government will submit to a decision conceived in the sense of the two first propositions, if it was assured that a retroactive effect would not be given to this decision, as was done by the United Commission of the Federal Diet with regard to the Decree of the 8th of March, 1860; in other words, that the Government should not be required to submit to an examination and subsidiary discussion by the States dispositions made at an anterior date; insomuch as they have already been carried into execution. This particularly refers to the Ordinances of the month of September 1859.

An understanding upon this subject would perhaps become easier, as by the terms of the Constitution of 1855 the Rigsraad, of which mention has been made, will not assemble till towards the end of 1862, and that, in the interval, the public mind, it may be hoped, will have time to calm down and change its opinion.

As the Constitution of 1855 was abrogated in regard to the two German Duchies, the Federal Diet appears anxious to secure them from the influence which the Rigsrad might indirectly exercise upon them in the absence of the Representatives of Holstein and Lauenburg.

3rd Proposition.—The Duchy of Schleswig should send Representatives to the Danish Parliament for the purpose of voting on the common expenses as well as on the Laws of the Monarchy.

This proposition in itself could not meet with any opposition, since the Constitution of 1855, still in force in Schleswig, calls upon the Deputies of that Duchy to take part in the legislative labours of the Rigsraad. It would, however, remain to be seen if they will be in sufficient numbers to defend the interests of their country. According to the terms of the 24th and following articles of the Constitution, the Rigsraad should be composed, as near as may be, of 80 members. But some modifications of the disposition have been necessary since the withdrawal of the Deputies of Holstein and Lauenburg. At present there appear to be only 60 members, of whom 15 are nominated by the King, while the rest are elected either by the Representative Assembly or by direct suffrage. It would be difficult at this moment to determine in what exact proportion the Schleswigers participate in the Royal nominations, and in the results of the elections and of the direct suffrage, and still more difficult to decide how far a perfect impartiality is observed in the Duchy of Schleswig with regard to the different customs of the German and Danish nationalities. It is, however, quite apparent that the Danish element predominates. According to the original dispositions of the Constitution (sections 26, 27, and 28), there should be, out of 80 members, 13 Schleswigers; 3 named by the King, 5 elected by the Provisional Assembly of the Duchy, and 5 elected by direct suffrage.

4th Proposition.—The special Diet of Schleswig should continue to be elected and to assemble conformably to the present law. The functions of this Diet should consist in voting the sums necessary for the maintenance of the Churches and Schools, as well as other expenses, and to provide by equal laws for the welfare of the Danish, German, and other populations in the Duchy.

This proposition tends to maintain the present *status quo*, and the Danish Government will not object to it. But it is desirable that it should consent to complete those concessions which a year ago it announced its intention of granting to the Duchy of

Schleswig, especially those relating to the use of the German language, the right of association, and the exercise of political rights by persons who have been amnestied. It would be essential that the Government should at the same time guarantee the German population against the arbitrary and often oppressive intervention of the local authorities, both in elections and in matters relating to administration and police. Finally, and this is a very important point, it cannot too strongly re-assure the Duchy of Schleswig, as well as that of Holstein, upon the subject of the preservation of the ties (not of a political nature) which have existed between them for centuries. It has more than once entered into engagements on this point, which have been formally confirmed by the Royal edict published the 28th January, 1852; and the fear, true or affected, that these ties may be dissolved, is what has determined the rejection of the proposition lately submitted to the Assembly at Itzehoe.

5th Proposition.—These points once admitted, and solemnly proclaimed by the King of Denmark, the four Powers—France, Great Britain, Russia, and Sweden—would guarantee to the Crown of Denmark the possession of the Duchy of Schleswig.

Lord John Russell does not give his reasons for these propositions. The idea of a guarantee for the peaceable possession of the Duchy of Schleswig is not a new one. In 1715, 1720, and 1727 England, Prussia, France, and Sweden guaranteed successively this possession to the King of Denmark; but this was in circumstances altogether distinct from those of the present time, and was the result of motives which happily no longer exist. Let us only recollect that the guarantees of those days, made during war time, or in view of some act of hostility directed against Denmark, were for the most part accompanied by a defensive alliance, and the promise of national assistance; also, that these guarantees did not apply to the entire Duchy, but only to that portion of its territory which the House of Holstein-Gottorp had possessed before 1713, and which it sought to regain.

We do not think that Denmark can now invoke the precedents of 1715 and of the following years. The four Powers whom the Principal Secretary of State invites to the special guarantee for the Duchy of Schleswig are among the number of those who signed this Treaty; and, besides, the two principal Powers of Germany, Austria and Prussia, have taken a direct part in its conclusion. Subsequently, some German States of the second order, and all the other States of Europe, gave their adhesion to it without reserve; and even among the members of the Germanic Confederation, those who thought that they could not, by formal accession prejudge the decision of the Federal Diet, have not the less rendered homage to the wisdom of the views which govern the Treaty of London. It has thus acquired the character of a European transaction. The word "guarantee" is not to be found there, it is true; but the Powers who have taken part in this transaction, either directly or by their acceptance, have formally acknowledged "that the maintenance of the integrity of the Danish Monarchy, bound up as it is with the general interests of the European equilibrium, is of great importance for the preservation of peace;" they have established permanently the principle of this integrity, and have consequently entered into an engagement to recognise the new order of succession to the Throne which the King of Denmark had eventually adopted for the maintenance of this principle.

In the presence of so solemn and so imposing a manifestation, it seems that the combination proposed in No. 5 would be more objectionable than really and practically useful. It is doubtful, in the first place, whether Denmark herself (unless she should find therein an additional means of preventing the annexation of the Duchy of Schleswig to the Germanic Confederation, an annexation which Germany demanded so peremptorily in 1848), would be willing to accept a guarantee of a single portion of her territory, and coming only from some of the Powers who joined in the Treaty of London, whilst this Treaty affords her a much more important moral guarantee.

The proposed combination, would to some extent, attest the little confidence which France, England, Russia, and Sweden themselves place in the work of 1852. It would, therefore, compromise, in the eyes of Europe, the great value of the Treaty of London, not to mention the just motives of discontent which it would furnish to Austria and Prussia.

As to the interior of the Danish Monarchy, the effect of the special guarantee for Schleswig would be to revive the agitation of the parties who have been disputing for so many years. The party called "Eider Danes" would hail it with joy as a progress towards the incorporation of the Duchy with the Kingdom so called. The German party would find in it a new challenge with respect to their nationality, and would only insist more strongly on the annexation to the Germanic Confederation. There is no need to mention the echo which these opposite tendencies would have in Germany. Lastly, the people of Holstein, those at least whose only desire is to live under the rule of their King,

would not fail to consider the acceptance of a guarantee for Schleswig as an additional means of facilitating the complete separation of the two Duchies.

Such are the considerations which make us desire that the British Cabinet should give up this idea.

6th Proposition.—Commissioners were to be named, one on the part of Denmark, another on the part of Germany, and the third on the part of the four Powers, for the purpose of defining the limits of the Duchy of Schleswig.

The guarantee mentioned in the preceding Article would comprise the Duchy thus limited and defined.

The Imperial Cabinet could not, except so far as relates to the guarantee (Article 5), avoid declaring themselves entirely satisfied with this proposition. Even without the eventuality of a guarantee, it is of great importance that the delimitation of the Duchy of Schleswig should be soon and definitively settled. This work, executed impartially, with the assistance of a Commissioner who was neither a German nor a Dane, would allow us to reckon upon impartial decisions, and would close at least one of the sources of discussion between Denmark and Germany. Undertaken at a fitting time, it would, for instance, prevent the discussions to which the pretention of making Rendsbourg a Federal fortress, might give rise.

7th Proposition.—The engagements of the Treaty of 1852, so far as they are not altered by the above Articles, ought to be inviolably maintained.

None of the above Articles, with the exception of No. 5, infringes upon the engagements which the Imperial Cabinet are also desirous of considering inviolable. For the rest, Article 3 of the Treaty has made an express reservation that the reciprocal rights and obligations of the King of Denmark, and of the German Confederation, concerning the Duchies of Holstein and Lauenburg, cannot be altered by its other stipulations.

St. Petersburgh, April 23, 1861.

No. 58.

Earl Cowley to Lord J. Russell.—(*Received May* 11.)

(Extract.) *Paris, May* 10, 1861.

WHEN I called yesterday upon M. Thouvenel to communicate to him the contents of your Lordship's despatch of the 8th instant, explaining the views of Her Majesty's Government for the settlement of the Holstein question, his Excellency said that he feared, from the information which he had received, that the proposals of Her Majesty's Government would be rejected by both parties. He himself expressed a strong repugnance to the notion of guaranteeing the Duchy of Schleswig to the Crown of Denmark, observing that a guarantee of that nature might place the guaranteeing Governments in a very false position hereafter. His Excellency seemed inclined in general to the opinion that it would be better that the budget should in some shape or other be again brought before the States of Holstein, which would probably deter the Diet from proceeding with any measure of execution.

No. 59.

Mr. Paget to Lord J. Russell.—(*Received May* 13.)

Extract.) *Copenhagen, May* 7, 1861.

'AS I have not received your Lordship's orders to do so, I have not communicated to M. Hall your despatch of the 29th of April, but I have informed his Excellency of its general tenour; of the direction in which, in the opinion of Her Majesty's Government, a solution of the differences between Denmark and Holstein is to be found; and of the efforts which Her Majesty's Government are making with the Governments of France, Russia, and Sweden, for an understanding on this subject.

M. Hall had received from M. Bille intelligence which coincided to some extent with the present communication, but he said he had understood your Lordship had adopted, with some modifications, the propositions which had been made to Her Majesty's Government by the Swedish Cabinet. M. Hall added, that however this might be, provided the same basis was adhered to, he was convinced that an understanding must be ultimately arrived at.

I said I had received from your Lordship no information respecting the Swedish proposals, nor the manner in which they were regarded by Her Majesty's Government. Your Lordship, in your despatch to me, had, I said, expressed the opinion that the Rigsraad should be left free and the States of Holstein free; in short, that a union of the Crown, or a personal union, should be the new order of things, with security to Denmark, on the side of Schleswig, on the part of the four Powers.

On my inquiring what his Excellency thought of such an arrangement, he replied, that he should personally have no objection to it, provided it was carried out in such a manner that advantage could not be taken by Germany of the independent position of Holstein to forward their designs on Schleswig.

I replied that, under the circumstances mentioned, I thought Denmark would be secure against all danger in this respect. I added, however, as my own opinion, that if the peaceable possession of Schleswig was guaranteed to Denmark, I imagined it would only be done on the condition that that Duchy should have complete liberty and independence in regard to its own provincial concerns and administration; that it should be placed in this respect upon entirely the same footing as Denmark Proper.

This gave rise to some discussion, but M. Hall ultimately expressed himself in favour of the guarantees I alluded to. His Excellency said it would be better not to enter further into your Lordship's proposition until it was before him in more detail.

With regard to the total separation of Holstein, with the exception of the union of the Crown, I venture humbly to submit to your Lordship a few observations. If such an arrangement could be carried out, there is no doubt that the position of the two parties would be perfectly clear, and that all chance of future dissension between them would be averted; but I fear, in the first place, that it would be extremely unpopular in Holstein, and would give rise to much opposition and discontent on the part of that Duchy. Such a separation would, of course, entail a partition of the debt and of everything which has hitherto been held in common between Holstein and the rest of the Monarchy, and thus all the links which now contribute to preserve the union of the Monarchy, and which it is of general interest to preserve, would at once be severed.

The great object to attain, and it is that which I believe your Lordship to have in view, is to prevent the possibility of any future discussions arising on the constitutional position occupied by the parties concerned; that, on the one hand, the Holstein States shall not be able to say that they are subjected to the laws voted by the Rigsraad, and that, on the other, the legislation of the Rigsraad shall not be impeded by the action of the States of Holstein. If such an arrangement is possible, it can only be by regulating, once for all, in what the common affairs are to consist; to restrict them to the narrowest possible limits; and to settle, in a permanent manner, what each part of the Monarchy is to contribute towards their expenses. A position of equality will thus be established.

With regard to the army, I believe it to be advisable that there should be a separation, not only on account of a better understanding in regard to the expenses, but also with a view to enabling Denmark to preserve more easily a position of neutrality in the event of the Confederation being engaged in war in which the Holstein contingent would be called for.

In order, also, to prevent any further differences respecting the navy, which has, more than any other matter, been hitherto the apple of discord, I believe a separate arrangement to be necessary.

With the exception of these two, and the Royal Domains and Sound Dues Fund, I am of opinion that it would be to the advantage of both Denmark and Holstein that the other affairs should be left in common.

Whatever plan is adopted, however, it is absolutely necessary, both in justice and in policy, that it should be accompanied by guarantees for the autonomy and independence of the Duchies in their provincial concerns.

No. 60.

Mr. Jerningham to Lord J. Russell.—(Received May 16.)

My Lord, *Stockholm, May 6, 1861.*

COUNT MANDERSTRÖM has informed me that Baron Schleinitz had observed to the Swedish Representative at Berlin that the Prussian Government did not approve all the late proceedings of the States of Holstein; and that, although the Germanic Diet

was determined to see justice done to Holstein, it was very far from being disposed to support her in every pretension she might choose to put forward.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

No. 61.

Mr. Jerningham to Lord J. Russell.—(Received May 16.)

My Lord, *Stockholm, May* 6, 1861.

I HAD the honour to receive, by messenger Robbins, on the 27th ultimo, your Lordship's despatches of the 19th ultimo, and I communicated them as soon as possible (that is, on the 29th ultimo), to Count Manderström.

His Excellency hardly appeared disappointed that his plan for settling the Danish question had not been approved by Her Majesty's Government, observing that he had never ventured to regard it as a definitive solution; but adding a hope that his despatch might have presented some useful and auxiliary considerations, which I did not hesitate to confirm.

With regard to your Lordship's counter-proposition, Count Manderström, while abstaining from any direct opinion either for or against it, naturally expressed a wish to examine it at his leisure, as well as to show it to the King; when I, accordingly, left the despatches with him.

Having, to-day, again waited on his Excellency, he stated, in substance, that the Swedish Government would make no objection to the principle of the arrangement; that, however, he considered the details of the plan, especially as to the Budget, when examined and developed, liable to present difficulties; that he doubted its complete approval by Russia; that he did not believe that Denmark would reject it altogether, if adopted by the four Powers; that, in point of fact, Schleswig was already guaranteed to Denmark by the four Powers in former Treaties, though the fresh guarantee proposed might possibly have a new effect; and that it was his intention to write fully on the subject to Count Platen, though he should not be able to do so immediately.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

No. 62.

M. de Bille to Lord J. Russell.—(Received May 16.)

My Lord, *Legation of Denmark, London, May* 15, 1861.

I HAVE the honour to inclose the copy of a despatch dated the 11th instant, which I have received from his Excellency M. Hall, His Danish Majesty's Minister of Foreign Affairs.

Being desirous of having an interview with your Lordship on the subject of that despatch, I beg your Excellency to inform me when it will be convenient for you to see me.

I have, &c.

(Signed) TORBEN BILLE.

Inclosure in No. 62.

M. Hall to M. de Bille.

Monsieur, *Copenhague, le* 11 *Mai,* 1861.

TANT qu'en apparence il ne s'agissait, dans notre différend avec l'Allemagne, que de la position constitutionnelle du Holstein, cette question pouvait être envisagée, d'un certain coté, comme étant de la compétence de la Diète Fédérale, ou du moins comme une affaire intérieure à débattre entre le Danemarc et la Confédération. Et pourtant ceci n'est vrai que d'un certain côté. Car, ne s'agit-il que de l'organisation intérieure d'un Duché Allemand, où la Diète puiserait-elle le droit de s'immiscer dans l'affaire? Non pas assurément dans le caractère du lien fédéral qui, formé exclusivement en vue de

la défense commune contre des ennemis extérieurs et des troubles intérieurs, unit des Etats qui sous tous les autres rapports restent souverains! Non plus dans les lois de la Confédération qui ne connaissent que deux cas dans lesquels la Diète ait à étendre son action sur les affaires intérieures d'un pays Fédéral (Acte Final de Vienne, Articles 21, 60, 61): l'un, lorsque le Prince lui-même fera appel à la Confédération contre la sédition de ce Duché; l'autre, lorsqu'il lui aura demandé antérieurement la garantie générale de la Constitution du pays! Car personne ne conteste que jamais le Roi notre auguste Souverain n'a adressé une telle demande à la Diète, et, quant à une sédition, eût-elle éclaté dans le Holstein, le Roi n'aurait certes pas songé à invoquer l'assistance de la Diète.

Ces principes ne sont pas douteux. Reconnus en mainte occasion par la Diète, ils ont été invoqués dernièrement par la Prusse elle-même dans sa circulaire du 6 Juin, 1860, relative à l'affaire Hessoise. "Nous n'hésitons pas," dit M. de Schleinitz, "à proclamer hautement la conviction que la Diète ne doit jamais dépasser sa compétence reconnue, en s'ingérant dans les affaires intérieures des Etats Confédérés, et notamment dans leur organisation constitutionnelle."

Voilà donc les limites que la Diète, de son propre aveu, ne doit pas dépasser dans son action vis-à-vis d'un Etat qui, comme la Hesse, entre pour son territoire entier dans la Confédération! Mais combien plus injuste devient donc l'immixtion de la Diète, non pas dans les affaires intérieures d'un pays Fédéral, mais dans les rapports de ce pays à une Monarchie dont il fait partie intégrante, et qui, pour ses quatre-cinquièmes, reste en dehors de toute relation avec la Confédération! Or, c'est bien sur les rapports constitutionnels du Holstein au reste de la Monarchie Danoise, et non pas sur l'organisation purement intérieure du Duché Confédéré, que la Diète a entendu s'ériger en juge suprême. C'est sur l'abolition pour le Holstein de la Constitution commune de la Monarchie, du 2 Octobre, 1855, qu'elle a insisté, en demandant impérieusement que le Conseil-Général n'étendit plus son action sur le Duché. C'est la Constitution commune de la Monarchie elle-même qu'elle a enjoint au Gouvernement du Roi de modifier, dans un sens qu'elle n'a pas bien indiqué, et en tenant compte de désirs qu'elle n'a pas même su formuler d'une manière précise. Et ce seul reproche qu'elle a élevé contre le fond de cette Constitution, celui de ne pas avoir accordé à la population du Holstein une représentation dans le Conseil-Général plus forte que celle qui lui appartenait proportionnellement à la population des autres parties de la Monarchie, ce reproche n'est-il pas la meilleure preuve que cette ingérence n'implique rien de moins qu'une atteinte grave portée au reste de la Monarchie, qui devait demeurer en dehors de toute influence de la Diète? Ces exigences, qui revêtaient la forme d'Arrêtés Fédéraux, mais sans en avoir le caractère ni l'autorité, le Gouvernement du Roi aurait donc été parfaitement fondé à ne pas les prendre en considération en déclarant à la Diète qu'il n'y saurait voir qu'un empiètement sur son indépendance, et qu'il se trouverait dans la nécessité de regarder toute menace d'une exécution Fédérale dans le Holstein, par ce motif, comme un acte d'hostilité ouverte. Mais le Gouvernement du Roi a voulu prendre conseil dans cette affaire de ses alliés plutôt que du sentiment de son droit. Il s'est attaché à modifier la Constitution commune pour que la Diète permet que le Holstein rentrât sous son régime. Et en attendant il avait abrogé pour le Holstein la Constitution attaquée, et il avait garanti le Duché contre toute influence du Conseil-Général, en rétablissant la souveraineté absolue du Roi pour la part contributive du Holstein aux affaires communes. Cette garantie ne paraissant plus suffisante aux yeux de la Diète, et l'Allemagne insistant pour que toute loi sur les affaires communes fût soumise à l'approbation des Etats Holsteinois, aussi bien qu'à celle du Conseil-Général, le Gouvernement avisa aux moyens de satisfaire, dans les limites du possible, à cette demande nouvelle, qu'un membre de la Chambre Prussienne, auquel on ne peut certes reprocher une trop grande partialité pour nous, a comparé dans une occasion avec l'action "d'atteler quatre chevaux à une voiture de manière à les faire tirer chacun de son côté." Lorsqu'enfin la Diète crut voir un empiètement sur les droits du Holstein dans l'Arrêté Royal qui avait fixé la part contributive du Duché aux dépenses communes pour l'exercice courant, bien que cet Arrêté eût été publié avant la réunion même du Conseil-Général, le Gouvernement se prêta encore à cette prétention en soumettant l'Arrêté à l'approbation des Etats. Je n'entrerai dans aucun détail sur ces dernières tentatives pour arriver à une entente, car elles sont assez connues et en tout cas vous trouverez dans les annexes de cette dépêche un exposé succinct de leur contenu.

Ainsi le Gouvernement du Roi est allé jusqu'au bout pour satisfaire aux exigences. La seule limite devant laquelle il dut s'arrêter, était celle que lui imposait, pour ne pas tomber dans la dépendance de l'Allemagne, le droit des autres parties non-Allemandes de la Monarchie. Et c'est à l'existence propre du Danemark que viennent d'attenter les

Etats, en invoquant l'autorité de la Confédération. Sans revenir sur ma dépêche du 11 du passé je me bornerai, pour démontrer l'exactitude de mon appréciation, à appeler votre attention sur les motifs qui ont guidé les Etats dans leur refus d'entrer dans la discussion de l'Arrêté Royal susmentionné du 23 Septembre, 1859. Non contents d'être admis à voter la part contributive du Holstein aux dépenses communes, dans les limites qui sont fixés pour l'action du Conseil-Général relativement aux parts contributives du Danemark et du Slesvig, les Etats ont voulu s'arroger le droit de discuter ces parts elles-mêmes, et ils ont demandé qu'à cette fin les lois de finances adoptées par le Conseil-Général pour le Danemark et le Slesvig fussent annulées. Vis-à-vis de telles prétentions toute transaction devient impossible, et toute condescendance ultérieure équivaudrait à un attentat à l'existence même d'une Monarchie indépendante.

Où en sommes-nous donc venus d'après ces dernières et tristes expériences?

Qu'est devenue d'abord cette Constitution commune, basée sur les principes de l'Ordonnance du 28 Janvier, 1852, que la Diète proclame solonnellement "conforme, pour ce qui regardait le Holstein, aux lois et aux droits de la Confédération?" La Diète qui avait approuvé le Gouvernement du Roi lorsqu'il établit (voir la dépêche du 6 Décembre, 1857, Annexe 2, No. 4) "qu'une Constitution commune et l'administration d'une Monarchie, formant l'ensemble de ses Etats, ne deviendraient possibles que sous la condition expresse que les obligations du Roi, en sa qualité de Membre de la Confédération, ne soient pas étendues;" cette Diète a pourtant si bien étendu son immixtion Fédérale que, pour me servir des paroles du rapporteur même du Comité de la Chambre Prussienne, "le Gouvernement Danois ne pourra jamais remplir ses exigences telles que l'Allemagne les formule, puisque l'existence d'une Constitution commune ne s'accorderait pas avec l'interprétation qu'on entend aujourd'hui donner au mot 'égalité politique du Holstein.'" Et quant aux Etats, à l'approbation desquels la Diète nous a renvoyés, ils ont déclaré itérativement qu'ils ne consentiraient jamais à la création d'une représentation commune dans laquelle siègeraient des Députés Holsteinois. Pourtant cette représentation commune, la pierre fondamentale d'une Constitution commune, avait-elle été expressément reconnue par l'Allemagne comme "n'étant nullement incompatible avec les droits particuliers des Duchés de Holstein et de Lauenbourg" (voir la dépêche du 30 Décembre, 1851, Annexe No. 7). Ainsi aucun compte n'a été tenu de l'accord établi en 1851 relativement à la position du Holstein dans la Monarchie, et tous les efforts du Gouvernement du Roi pour amener un ordre de choses définitif sur cette base ont échoué contre une résistance à laquelle il avait tout droit à ne pas s'attendre.

En attendant, quel est le régime actuel des affaires communes de la Monarchie?

Il existe, il est vrai, un ordre de choses parfaitement légal et amené, pas à pas, par des Arrêtés Fèdéraux, adoptés par le Roi, suivant les conseils de ses alliés, en vertu duquel Sa Majesté régle en Souverain absolu dans le Holstein les affaires communes que, dans les autres parties de la Monarchie, elle gouverne avec le concours du Conseil-Général. Mais le Gouvernement du Roi ne se dissimule pas que la Diète pourrait se croire tenue, pas ses Arrêtés Fédéraux du 8 Mars de l'année passée et du 7 Février de l'année courante, à intervenir au moyen d'une exécution Fédérale contre cet ordre de choses, du moment où on voudrait le mettre en pratique. A moins qu'on ne veuille s'exposer aux dangers incalculables d'une soi-disant exécution, une autre solution est donc devenue nécessaire; mais l'expérience a suffisamment démontrée que toute réglement qui prétendrait résoudre les difficultés, en faisant dépendre d'une co-opération régulière entre le Conseil-Général et les Etats Holsteinois le gouvernement de la Monarchie, ne ferait qu'aggraver la situation.

Mais le tems presse. Vers la fin de cette année le Conseil-Général du Danemark et du Slesvig doit se réunir, et alors la question se présentera de manière à ne pouvoir plus être différée, d'autant moins que depuis des années la législation sur les affaires communes a été, pour ainsi dire, suspendue pour ne pas donner lieu à une collision; mais une telle interruption de la vie régulière ne saurait durer. Pour l'Allemagne une solution ne paraît pas moins désirable: car l'agitation produite par l'incertitude actuelle fait naître des aspirations qui ne pourraient jamais être satisfaites, mais qui mettront fatalement les Gouvernements dans l'alternative de pousser cette affaire plus loin qu'ils ne voudraient, ou, s'ils résistent, de se voir débordés par les flots révolutionnaires. Enfin, quelle confiance qu'on ait dans l'efficacité des efforts unis des Puissances pour épargner à l'Europe des malheurs d'une guerre générale, qui ne comprend pas tout ce qu'il y aurait de dangereux à laisser dans le Nord un état de choses qui, à chaque moment, peut donner le signal d'une conflagration?

C'est donc avec une véritable satisfaction que le Gouvernement du Roi a appris que le Cabinet de St. James, conjointement avec les autres Puissances non-Allemandes, signataires du Protocole de Londres, s'intéressent vivement à voir amenée une solution de

notre question. Il est convaincu que le Gouvernement de Sa Majesté Britannique reconnaît aussi, comme résultat des démarches faites pendant ces cinq dernières années par le Danemarc, en grande parti sur les avis de ce Cabinet, que toute tentative de vouloir atteindre le but au moyen de pourparlers avec les Etats Holsteinois resterait infructueuse ; que toute mesure coércitive tendant à faire participer le Holstein à la représentation commune serait impossible dans les circonstances actuelles ; et que, par conséquent, la seule voie à suivre serait d'accorder au Holstein une position indépendante qui permettrait aú Roi, tout en ne portant aucune atteinte aux droits des autres parties de la Monarchie n'appartenant pas à la Confédération Germanique, de donner suite aux demandes qui lui sont faites en sa qualité de Duc de Holstein, et qu'il pourrait se croire engagé, par la situation politique actuelle, à remplir, bien qu'elles ne soient pas justifiées par le droit Fédéral de l'Allemagne. Il n'est que trop évident combien de sacrifices une telle solution imposerait au Gouvernement du Roi, mais il saurait s'y résigner, s'il avait la conviction de parvenir ainsi à un ordre de choses précis et clairement défini, qui écarterait au dedans la collision entre les deux Assemblées de la Monarchie, et qui excluerait au dehors tout différend ultérieur avec la Confédération.

En vous priant, Monsieur, de vous énoncer dans ce sens à Lord J. Russell, j'ai, &c.

(Signé) C. HALL.

Annexe 1.

Deux idées principales ont présidé à la rédaction du projet de loi soumis aux Etats Holsteinois relativement à la position du Duché pendant le provisoire. D'un côté, le Gouvernement a voulu conserver l'administration commune, tout en devant renoncer à un organe législatif commun, rendu impossible par la résistance de la Confédération et des Etats ; de l'autre côté, il s'est attaché à amoindrir d'abord les chances de collisions funestes entre les deux Assemblées qui participeraient à la confection des lois communes, en restreignant, autant que possible, le terrain sur lequel elles se trouveraient en présence, puis à amortir les collisions qui se produiraient malgré ses efforts.

Une partie assez grande des affaires communes garde, à côté de leur nature générale, un caractère plus ou moins local. Cette circonstance permettrait, aux yeux du Gouvernement, de traiter différemment, dans le Holstein et dans le Danemark-Slesvig, ces affaires, sans pourtant perdre de vue l'intérêt commun.

Pour celles de cette classe d'affaires communes qui touchent le Holstein, le projet accorde le pouvoir législatif à la seule Assemblée des Etats Holsteinois, en écartant ainsi toute collision sur ce terrain entre eux et le Conseil-Général du Danemark et du Slesvig.

Pour les autres affaires communes qui, privées d'un tel caractère local, ne pourraient être conférées aux Etats Holsteinois, toute nouvelle loi devrait dépendre d'un commun accord entre les Etats et le Conseil-Général. Mais, pour terminer à l'amiable les différends entre les deux Assemblées, qui ne seraient que trop à prévoir, le projet avait imaginé des Commissions Préparatoires Mixtes, choisies librement par les deux Assemblées ; et pour trancher au besoin ces différends d'une manière juste et pratique, le Gouvernement s'était réservé le droit de mettre à exécution dans une partie de la Monarchie une loi, votée et déclarée urgente par son Assemblée seule, en prenant, par voie administrative, les mesures nécessaires pour assurer l'autre partie contre l'influence de la loi non sanctionnée par elle.

La même distinction, faite ainsi par rapport à la législation, était également prise pour point de départ pour le réglement du Budget commun, où un désaccord entre les deux Assemblées serait particulièrement à craindre.

Les dépenses communes tenant aux affaires réservées à la compétence exclusive des Etats Holsteinois devraient être réglées par cette Assemblée, avec la seule réserve, fondée du reste dans le droit public Allemand, que toutes les dépenses rendues nécessaires par les lois existantes et par les besoins de l'Administration trouveraient leur place dans un Budget normal, analogue à celui réglé, pour les autres parties de la Monarchie, par l'Arrêté Royal du 28 Février, 1856.

Toutes les autres dépenses communes, dont la discussion et le vote ne pourraient être ainsi réservés à une seule représentation, dépendraient d'un accord établi entre les deux Assemblées. Mais, pour que cet ordre de choses ne mît pas d'obstacles insurmontables à une Administration régulière, des sommes fixes, pour les besoins ordinaires et les plus pressants du service, étaient arrêtées dans le projet, lesquelles devaient être payées annuellement sans un vote spécial des Etats. Ces sommes fixes avaient pour base celles votées pour les exercices du 1 Avril, 1856, au 31 Mars, 1860, par le Conseil-Général, où siégaient alors les Représentants du Holstein. Mais du moment où ces sommes fixes

deviendraient insuffisantes, les suppléments demandés seraient soumis au vote libre des Etats Holsteinois.

Annexe 2.

Par son Arrêté du 7 Février de cette année la Diète avait déclaré qu'elle ne saurait regarder la Patente du 25 Septembre, 1859, comme légalement existante, tant qu'elle n'aurait pas reçu l'approbation des Etats.

En demandant ainsi qu'on prit l'assentiment des Etats, la Diète avait assez clairement indiqué ses vues sur l'objet et la forme des pourparlers éventuels avec les Etats. D'un côté, il ne s'agirait que de la part contributive du Holstein aux dépenses communes, tandisque naturellement les lois de finance approuvées par le Conseil-Général pour les parts contributives du Danemark et du Slesvig resteraient intactes. De l'autre côté, c'était à la Patente elle-même, dans sa forme actuelle, que les Etats auraient une occasion de donner leur assentiment. Une abrogation préalable de la Patente n'était pas demandée par l'Arrêté Fédéral.

Bien que le Gouvernement du Roi ne pût nullement regarder cette demande comme justifiée par le droit Fédéral ni par les circonstances, il avait pourtant pris sérieusement à tâche de venir au devant de ce désir de la Diète, et il fut confirmé dans cette intention par les conseils des Puissances alliés non Allemandes.

Ainsi la Patente susmentionnée fut soumise aux Etats comme faisant partie du projet de loi sur la position provisoire du Holstein dans la Monarchie ; et pour les mettre à même de discuter les sommes fixées dans la Patente d'une manière approfondie, le Commissaire Royal se déclara prêt à fournir sur celles-ci tous les renseignements et tous les détails qu'on demanderait.

De même que les matériaux complets d'un examen sérieux des sommes portées au Budget du Holstein étaient ainsi mis à la disposition des Etats, de même le Commissaire Royal déclara expressément qu'ils jouiraient d'une liberté entière dans la délibération. Ils seraient donc admis à discuter, à approuver, ou à amender dans leurs détails, les sommes contenues dans la Patente. Le résultat de leurs délibérations et de leur vote serait enfin soumis formellement à la sanction du Roi comme le Budget définitif de la part contributive du Holstein aux dépenses communes dans l'année 1861-62.

En effet on ne pouvait supposer que les Etats mettraient à Sa Majesté des obstacles insurmontables pour la question du gouvernement. Pour écarter cependant, aussi sur ce point, toute doute, il fut déclaré expressément par le Commissaire du Roi que, si contre toute attente une telle éventualité se présentait, Sa Majesté prendrait les résolutions que lui prescriraient son droit et son devoir, comme Souverain, de pourvoir au gouvernement du pays.

Cette réserve, fondée parfaitement aussi bien sur le devoir du Souverain que sur le droit Fédéral, était également justifiée par le fait que la plus grande partie des sommes contenues dans la Patente du 25 Septembre avaient été déjà fixées par le Budget normal, arrêté, dans l'année 1856, par le Roi comme loi pour la Monarchie et ayant force obligatoire aussi pour le Conseil-Général (Rigsraad). Un refus de la part des Etats de voter ces sommes aurait été une infraction à la loi et en même tems il aurait amené une confusion presque indissoluble dans l'administration. Quel que soit le jugement qu'on porte du reste sur ce procédé du Gouvernement, toujours est-il que, pour pouvoir élever des plaintes sur la réservation que le Gouvernement avait prise (réservation qu'on appréciera en se rappelant le contenu de l'Arrêté Federal du 28 Juin, 1832, Articles 1 et 2, ainsi que le renvoi fait par ces Articles aux Articles 57 et 58 de l'Acte Final de Vienne), les Etats auraient dû entreprendre cet examen du Budget, que la Confédération leur avait revendiqué, et que le Gouvernement leur avait accordé. Si les Etats avaient rejeté certaines sommes ou demandé leur diminution, et si le Gouvernement du Roi, sans des motifs satisfaisants, s'était refusé au sanctionnement de leurs amendements, alors, et seulement alors, il pourrait être question des plaintes sus-indiquées. Mais cette éventualité ne s'est nullement présentée. Encore fait-il ajouter comme éclaircissement final, que, si le Gouvernement du Roi a cru devoir préférer d'insérer la susdite Patente dans un paragraphe du projet, plutôt que de la soumettre séparément aux Etats, ce procédé était d'autant plus naturel que, selon l'avis du Gouvernement, il s'agissait, non pas seulement de présenter postérieurement une loi de finance en vigueur depuis longtemps, mais d'opérer la transition à une organisation générale et durable.

Il en fut autrement du moment où il devint évident que les Etats avaient en vue de rejeter en entier le règlement provisoire. Alors le Commissaire Royal fit aussitôt savoir à l'Assemblée que cette circonstance, quoique sincèrement regrettée par le Gouvernement du Roi, ne changerait pourtant rien à l'égard de l'occasion donnée aux Etats de délibérer

sur la Patente, la position de l'Assemblée restant toujours la même comme si la Patente eut été soumise isolée et indépendante du projet.

Ainsi la Patente du 25 Septembre, 1859, qui fixe la part contributive du Holstein aux recettes et aux dépenses communes de la Monarchie pour l'exercice de 1861-62, a été subséquemment soumise à l'action des Etats dans une forme complètement suffisante et dans la plus grande étendue.

(Translation.)

Sir, *Copenhagen, May* 11, 1861.

SO long as apparently, in our discussion with Germany, the constitutional position of Holstein alone was concerned, this question might be considered in a certain manner as being within the competence of the Federal Diet, or at least as an internal affair to be discussed between Denmark and the Confederation. And yet this is only true in a certain manner. For if the internal organization alone of a German Duchy is in question, from whence could the Diet derive the right of interfering in the matter? Certainly not from the character of the Federal bond, which, framed exclusively with a view to common defence against external enemies and internal troubles, unites States which remain Sovereign in all other respects. Neither in the laws of the Confederation, which recognise only two cases in which the Diet has to extend its action to the internal affairs of a Federal country (Final Act of Vienna, Articles 21, 60, 61); the one, when the Prince himself has recourse to the Confederation against the sedition of that Duchy; the other, when he has previously demanded the general guarantee of the Constitution of the country, For no one disputes the fact that never has the King our august Sovereign addressed such a demand to the Diet; and as to sedition, had it broken out in Holstein, the King would certainly not have thought of invoking the assistance of the Diet.

These principles are in no way doubtful. Recognised on many occasions by the Diet, they have lately been appealed to by Prussia herself, in her Circular of the 6th of June, 1860, relative to the Hessian affair. "We do not hesitate," says M. de Schleinitz, "to proclaim aloud our conviction that the Diet should never exceed its recognised competence, by interfering in the internal affairs of the Confederate States, and particularly in their constitutional organization."

These then are the limits which the Diet, according to its own confession, should not exceed in its action towards a State which, like Hesse, has its whole territory within the Confederation! But how much more unjust does this interference of the Diet become, when it does not concern the internal affairs of a Federal country, but the relations of that country to a Monarchy of which it forms an integral part, and four-fifths of which remain entirely unconnected with the Confederation? Now it is exactly over the constitutional relations of Holstein with the rest of the German Monarchy, and not over the purely internal organization of the Confederate Duchy, that the Diet has thought fit to constitute itself supreme judge. It is on the abolition, as regards Holstein, of the common constitution of the Monarchy of the 2nd of October, 1855, that it has insisted, by an imperious demand, that the Council-General should no longer extend its action to this Duchy. It is the common constitution of the Monarchy itself which it has enjoined the Government of the King to modify in a sense which it has not clearly indicated, and taking notice of desires which it has not even been able to express in a precise manner. And that single objection which it has raised against the substance of that constitution, that of not having granted to the population of Holstein a more powerful representation in the Council-General than that which belonged to it, proportionately to the population of the other parts of the Monarchy, is not that objection the best proof that this interference implies nothing less than serious attack on the rest of the Monarchy which ought to remain free of all influence of the Diet? The Government of the King would, therefore, have been perfectly justified in not taking into consideration those demands, which bore the form of Federal resolutions, but without possessing either their character or their authority, and declaring to the Diet that they saw in them only an encroachment on their independence, and that they would be compelled to regard any threat of a Federal Execution in Holstein on that account as an act of open hostility. But the Government of the King have preferred consulting their allies rather than their own feelings of their rights in this matter. They have devoted themselves to modifying the common constitution in order that the Diet might allow Holstein again to come under its administration. And, in the meanwhile, they had abrogated, as regarded Holstein, the Constitution objected to, and they had guaranteed the Duchy against all influence of the Council-General, by re-establishing the absolute sovereignty of the King with respect to the contributive share of Holstein in the common affairs. As this guarantee no longer appeared sufficient in the eyes of the Diet, and Germany insisted that every law on th

common affairs should be submitted to the approbation of the Holstein States, as well as to that of the Council-General, the Government took into consideration the means of satisfying, as far as possible, this new demand, which a member of the Prussian Chamber, who cannot certainly be accused of too great a partiality for us, compared on one occasion to the action of "harnessing four horses to one carriage, so as to let each pull his own way." When, lastly, the Diet seemed to perceive an encroachment on the rights of Holstein in the Royal Resolution, which had fixed the contribution of the Duchy to the common expenses for the current financial year, although this Decree had been published even before the meetings of the Council-General, the Government yielded also to this pretension by submitting the Decree to the approbation of the States. I will not enter into any detail on these last attempts to arrive at an understanding, for they are sufficiently well known, and at all events you will find a succinct account of their contents in the inclosures of this despatch.

Thus the Government of the King have gone to the utmost to satisfy the demands made of them. The only limit, before which it was their duty to stop, was that which the rights of the non-German portions of the Monarchy imposed on them, in order not to fall into dependence on Germany. And it is the very existence of Denmark that the States have just attacked by invoking the authority of the Confederation. Without recapitulating my despatch of the 11th ultimo, I will confine myself to proving the correctness of my views, by calling your attention to the motives which have guided the States in their refusal to enter into a discussion on the above-mentioned Royal Resolution of the 23rd September, 1859. Not content with being allowed to vote the contributive share of Holstein in the common expenses, within the limits which are fixed for the action of the Council-General with regard to the contributive share of Denmark and Schleswig, the States attempted to arrogate to themselves the right of discussing those very shares; and have demanded that, for this purpose, the financial laws adopted by the Council-General for Denmark and Schleswig should be repealed. In face of such pretensions all negotiation becomes impossible, and all further concession would be equivalent to an attack on the very existence of an independent Monarchy.

In what position are we now, according to these last and sad experiences?

What, in the first place, has become of that common Constitution, based on the principles of the Decree of January 28, 1852, which the Diet solemnly proclaims to be "in conformity, as far as regards Holstein, with the laws and rights of the Confederation?" The Diet, which had approved the Government of the King when they laid down the principle (see the despatch of the 6th December, 1857, Inclosure 2, No. 4) "that a common Constitution, and the administration of a Monarchy composed of its several States, could only be possible on the express condition that the obligations of the King in his quality of Member of the Confederation should not be increased;" that Diet has, however, so increased its Federal interference that, to make use of the words of the reporter of the Committee of the Prussian Chamber himself, "the Danish Government can never satisfy the demands made of them, such as they are now stated by Germany, since the existence of a common Constitution would not be agreeable to the interpretation which is now given to the expression "political equality of Holstein;" and as to the States, to whose approbation the Diet has referred us, they have reiterated that they will never consent to the formation of a common Representative Body in which Holstein Deputies would sit. Still this common Representative Body, the foundation-stone of a common Constitution, had been expressly recognised by Germany as "being in no way incompatible with the special rights of the Duchies of Holstein and Lauenburg" (see the despatch of the 30th December, 1851, Inclosure No. 7). Thus no regard has been paid to the agreement established in 1851 with regard to the position of Holstein in the Monarchy, and all the efforts of the Government of the King, to bring about a definitive order of things on this basis, have been frustrated by a resistance which we had every right not to expect.

In the meanwhile, what is the actual system by which the common affairs of the Monarchy are regulated?

There exists, it is true, an order of things perfectly legal, and brought about, step by step, by Federal Resolutions adopted by the King, according to the advice of his Allies, in virtue of which His Majesty regulates as an absolute Sovereign the common affairs in Holstein, while in other parts of the Monarchy he governs them with the concurrence of the Council-General. But the Government of the King do not conceal from themselves that the Diet might consider itself bound by its Federal Resolutions of the 8th of March of last year, and the 7th of February of this year, to interpose against this order of things by means of a Federal Execution, from the moment that an attempt was made to put it in practice. Unless we are willing to expose ourselves to the incalculable danger of a so-called Execution, some other solution has become necessary;

but experience has sufficiently proved that any arrangement which should attempt to solve the difficulty by making the Government of the Monarchy depend on a regular co-operation between the Council-General and the Holstein States, would only aggravate the situation.

But time presses. Towards the end of this year the Council-General of Denmark and Schleswig is to meet, and then the question will present itself in a state in which it cannot be deferred, the less that for years the legislation for common affairs has been, so to speak, suspended, so as not to give rise to a collision; but such an interruption of regular life cannot last. As regards Germany, a solution does not appear less desirable, for the agitation produced by the present uncertainty gives rise to aspirations which could never be satisfied, but which will reduce those Governments to the fatal alternative of either pushing this matter further than they would wish, or if they resist, of seeing themselves overwhelmed by the waves of revolution. Lastly, whatever confidence may be placed in the efficacy of the united efforts of the Powers to save Europe from the misfortunes of a general war, who does not understand how dangerous it would be to allow a state of things to continue in the North, which at any moment may give the signal for a conflagration?

It is, then, with true satisfaction that the Government of the King has learnt that the Cabinet of St. James's, in conjunction with the other non-German Powers who signed the Protocol of London, take a lively interest in the attainment of a solution of our question. They are convinced that the Government of Her Britannic Majesty recognise also, as the result of the steps taken by Denmark during these last five years, a great part of them by the advice of that Cabinet, that any attempt to attain the object in view by means of discussions with the Holstein States, would be fruitless; that any coercive measure tending to make Holstein participate in the common representation would be impossible in the present circumstances; and that, in consequence, the only course to follow would be to grant Holstein an independent position, which would allow the King, without infringing on the rights of the other parts of the Monarchy not belonging to the German Confederation, to comply with the demands which are made to him in his quality of Duke of Holstein, and to which he might consider himself compelled by the present political situation to accede, although they are not justified by the Federal laws of Germany. It is only too evident how many sacrifices such a solution would impose on the Government of the King; but they would be ready to resign themselves thereto, if they were convinced that they could thus attain to a precise and clearly defined order of things, which internally would ward off any collision between the two Assemblies of the Monarchy, and which externally would exclude any further difference with the Confederation.

Begging you, Sir, to express yourself in this sense to Lord J. Russell, I have, &c.

(Signed) C. HALL.

Annex 1.

Two principal ideas influenced the drawing up of the project of law submitted to the Holstein States, with regard to the position of the Duchy during the provisional arrangement. On the one hand, the Government wished to preserve the common administration, although obliged to give up the idea of a common legislative organ, which had been rendered impossible by the resistance of the Confederation and the States; on the other hand, they devoted themselves first to lessening the chances of fatal collisions between the two Assemblies which would share in the framing of the common laws, by confining, as much as possible, the ground on which they would meet, and next, to mitigating the collision which might arise notwithstanding their efforts.

A tolerably large portion of the common affairs preserve, in conjunction with their general nature, a more or less local character. This circumstance would authorise, in the eyes of the Government, a different treatment of those affairs in Holstein and in Denmark-Schleswig, without, nevertheless, losing sight of the common interests.

For that part of this class of common affairs which concerns Holstein, the project grants the legislative power to the Assembly of the Holstein States alone, thus averting any collision on this ground between them and the Council-General of Denmark and of Schleswig.

As regards the other common affairs which, being devoid of such a local character, could not be assigned to the Holstein States, every new law would have to depend on a common agreement between the States and the Council-General. But in order to bring

the discussions between the two Assemblies, which can be only too easily foreseen, to an amicable termination, the project started the idea of preparatory Mixed Commissions, freely chosen by the two Assemblies; and in order, when necessary, to put a stop to these discussions in a just and practicable manner, the Government had reserved to themselves the right of putting into execution in one part of the Monarchy a law which had been voted and declared urgent by the Assembly of that part alone, whilst taking, by administrative means, the necessary measures for insuring the other part against the influence of the law which had not been sanctioned by it.

The same distinction, made in this manner with respect to legislation, was similarly taken as the starting point for the regulation of the common Budget, in which a disagreement between the Assemblies would be particularly to be feared.

The common expenses relating to the affairs reserved for the exclusive competence of the Holstein States would be regulated by that Assembly with this one reservation, which, moreover, is based on German public law, that all the expenses rendered necessary by existing laws, and by the requirements of the Administration, should occupy a place in a normal Budget, analogous to that provided for the other parts of the Monarchy by the Royal Resolution of the 28th February, 1856.

All the other common expenses, the discussion and vote on which could not be thus reserved to a single representative Assembly, would be dependent on an agreement established between the two Assemblies. But in order that this state of things might not offer insurmountable obstacles to a regular Administration, fixed sums for the ordinary and most pressing wants of the service were specified in the project, which were to be paid annually without a special vote of the States. These fixed sums were based on those voted for the financial years, from April 1, 1856, to March 31, 1860, by the Council-General, in which the Representatives of Holstein were then sitting. But from the moment when these fixed sums should become insufficient, the supplementary credits required would be submitted to the free vote of the Holstein States.

Annex 2.

By its Resolution of the 7th of February of this year the Diet declared that it could not consider the Patent of the 25th of September, 1859, as legally existing, so long as it had not received the approbation of the States.

Whilst thus demanding that the assent of the States should be obtained, the Diet had clearly enough pointed out its views on the object and form of the eventual discussions with the States. On the one hand, the contributive share of Holstein in the common expenses would alone be in question, whilst naturally the laws of finance approved by the Council-General for the contributive shares of Denmark and Schleswig would remain intact. On the other hand, it was to the Patent itself in its actual form that the States would have an opportunity of giving their assent. A previous abrogation of the Patent was not required by the Federal resolution.

Although the Government of the King could in no way consider this demand as justified by Federal Law or by circumstances, still they had seriously endeavoured to comply with this desire of the Diet, and they were confirmed in this intention by the advice of the allied non-German Powers.

Thus the above-mentioned Patent was submitted to the States as forming part of the project of law on the provisional position of Holstein in the Monarchy, and in order to enable them thoroughly to discuss the sums fixed in the Patent, the Royal Commissioner declared himself ready to furnish any explanations and any details which might be required respecting them.

As the complete materials for a serious examination of the sums charged to the Holstein Budget were thus put at the disposal of the States, so also did the Royal Commissioner expressly declare that they should enjoy complete liberty in their deliberation. They would then be admitted to discuss, to approve, or to amend in their details the sums contained in the Patent. The result of their deliberations and of their vote would finally be submitted formally to the sanction of the King, as the definitive Budget of the contributive share of Holstein in the common expenses for the year 1861-62.

In fact, one could not imagine that the States would throw insurmountable obstacles in the way of His Majesty with regard to the question of Government. To remove all doubt, however, on this point also, it was expressly declared by the Royal Commissioner that, if, contrary to all expectation, such an eventuality were to occur, His Majesty would take such resolutions as his rights and his duty as Sovereign enjoined on him, of providing for the government of the country.

This reservation, wholly founded both on the duty of the Sovereign and on the Federal Law, was equally justified by the fact that the greater part of the sums contained in the Patent of the 25th of September had been already fixed by the normal Budget, decreed in the year 1856 by the King as law for the Monarchy, and binding also on the Council-General (Rigsraad). A refusal on the part of the States to vote these sums would have been an infraction of the law, and would, at the same time, have given rise to almost irreparable confusion in the administration. Whatever, too, be the judgment which may be passed on this proceeding of the Government, it is still to be remembered that, in order to be able to complain of the reservation which the Government had made (a reservation which will be understood by calling to mind the contents of the Federal Resolution of the 28th of June, 1832, Articles 1 and 2, as well as the reference made by these Articles to Articles 57 and 58 of the Final Act of Vienna), the States should have undertaken that examination of the Budget, which the Confederation had claimed for them, and which the Government had granted them. If the States had rejected certain sums, or required their diminution, and if the Government of the King, without satisfactory motives, had refused to sanction their amendments, then, and then only, could there have been room for the above complaints. But this eventuality has not arisen. As a final explanation it must further be added that, if the Government of the King thought it better to insert the above-mentioned Patent in a paragraph of the project, rather than to submit it separately to the States, this proceeding was the more natural as, according to the opinion of the Government, it was designed not merely to present subsequently a financial law which had long been in force, but to bring about a transition to a general and durable organization.

It was otherwise from the moment when it became evident that the States intended entirely to reject the provisional arrangement. Then the Royal Commissioner at once informed the Assembly that this circumstance, although sincerely regretted by the Government of the King, would nevertheless cause no change with regard to the opportunity given to the States to deliberate on the Patent, the position of the Assembly remaining still the same as if the Patent had been submitted by itself and independently of the project.

Thus the Patent of the 25th of September, 1859, which fixes the contributive share of Holstein in the common receipts and expenses of the Monarchy, for the financial year of 1861–62, has been subsequently submitted to the action of the States in a complete form and in the greatest detail.

No. 63.

Lord Napier to Lord J. Russell.—(*Received May* 27.)

My Lord, *St. Petersburgh, May* 17, 1861.

ON the receipt of your Lordship's instruction of the 8th instant, containing a full exposition of the views of Her Majesty's Government in respect to the adjustment of the Schleswig-Holstein question, I lost no time in waiting on Prince Gortchakoff. I found his Excellency so much engaged that he was not able to afford his attention to the subject at that moment, but he begged to be furnished with a copy of your Lordship's despatch, to which he stated he would give his early and careful consideration. Having complied with his Excellency's wishes in this respect, I called again this forenoon, but found that he had been so constantly employed in other matters that he had not formed any deliberate judgment on the proposals of Her Majesty's Government other than that already submitted to your Lordship. The Prince told me, however, that he remarked with pleasure that your Lordship was disposed to communicate your overtures to the Governments of Prussia and Austria, and he thought it desirable that such communication should be made at once, and without waiting for the opinions of France, Russia, and Sweden, so as to avoid the appearance of coming to the German Powers with propositions definitively framed, bearing the appearance of an ultimatum.

The Russian Minister hopes to be able to impart his impressions more fully to me before the departure of the messenger on Wednesday next, the 22nd instant.

I have, &c.

(Signed) NAPIER.

No. 64.

Lord Napier to Lord J. Russell.—(Received May 27.)

(Extract.) *St. Petersburgh, May 20, 1861.*

PRINCE GORTCHAKOFF informed me yesterday that he doubted whether he should be able to devote his attention again deliberately to the overtures of Her Majesty's Government respecting the Schleswig-Holstein question before his departure for Moscow, where he will attend the Emperor the day after to-morrow; he was overwhelmed with business, and especially occupied by the Councils held on the internal affairs of the Empire. His own opinion was, that a solution of the present difficulty would best be obtained by confidential discussion between the Minister of Denmark at Frankfort, and the influential members of the Diet. The draft of an arrangement might by such discussion be amicably framed, which should be transmitted to Copenhagen, and be then officially offered by the Danish Government to the Confederation. The Prince in saying this did not, however, at all repudiate the discussion of the overtures of Her Majesty's Government, of which he spoke with approval.

I fear that no conclusion, or even careful consideration, respecting the Schleswig-Holstein question can be expected at St. Petersburgh for some time to come. The Emperor has left the capital for several months. The Ministers are in part dispersed.

No. 65.

Lord Napier to Lord J. Russell.—(Received May 27.)

My Lord, *St. Petersburgh, May 20, 1861.*

PRINCE GORTCHAKOFF admitted me yesterday to a hasty perusal of a despatch from the Danish Government to their Representative here, in which the Cabinet of Copenhagen propose to accord a separate Legislature and Administration to Holstein, placing that Duchy almost on the footing held by Luxembourg in regard to the Netherlands Monarchy. By this scheme the faculty of voting the revenue would be conceded to the States of Holstein, yet something is stipulated in respect to a "normal Budget," of which I did not perfectly comprehend the drift, but which seemed to trench upon the power of the Assembly in regulating and apportioning the taxation of the Duchy. Affairs of common interest to the Duchy and the Danish Provinces were to be treated by a Mixed Commission nominated by the respective Assemblies. Nothing was settled for Schleswig.

The Prince, however, said that no settlement would be effectual without some provisions for Schleswig; he therefore was inclined to regard this overture of the Danish Cabinet as incomplete and unacceptable.

I have, &c.
(Signed) NAPIER.

No. 66.

Lord A. Loftus to Lord J. Russell.—(Received May 27.)

My Lord, *Berlin, May 25, 1861.*

IT has been reported to me that some doubts have been raised of late (and if I am not mistaken they have originated from a Danish source) as to whether a Military Execution could be legally undertaken by the Diet to enforce in Holstein a measure of a mere provisional character.

It is stated that if the Diet should determine on resorting to coercive measures, they must then return to the original demand which that Body addressed to Denmark in 1858, namely, that a definitive arrangement should be concluded between Denmark and the Duchies to replace the general Constitution, which, in virtue of the reclamations of the Diet, had been abrogated in as far as it regarded the German Duchies.

If this question of legality should be raised and confirmed, it will considerably change the nature of the question in dispute, for it will inevitably bring up the question of the relations between Holstein and Schleswig; the dispute will accordingly assume wider dimensions, and will cease to bear the character of a purely German question.

Your Lordship is already aware that the Danish Cabinet have always contested the

competency of the Diet to decree a Military Execution on the motives assigned by that Body, and I believe that they have been supported in this view by the Representative of Luxemburg at Frankfort. It is maintained by Denmark (I am told) that, according to the terms of the Final Act of Vienna, the military intervention of the Diet can only take place on two grounds, viz. :

1. When the public tranquillity of a Federal State is menaced by a formal resistance to the established authorities, and when it may be feared that the seditious movement may extend itself to neighbouring States ; or

2. When an open revolt has broken out, and that the Government itself, unable to repress it, has demanded the aid and succour of the Confederation, it being expressly stated that the measures taken for restoring order cannot be prolonged beyond the period which may be deemed necessary by the Government to whom the assistance has been rendered.

I have the honour to forward to your Lordship Articles XXVI, XXVII, and LXI of the Final Act of Vienna, of the 15th May, 1820, referring to this subject.

It is possible that Denmark may appeal to the above-named Articles of the Final Act of Vienna against the legality of a Federal Execution in Holstein. But I would observe to your Lordship that the Germanic Diet, as a body, is legally empowered to enforce its Decrees. The doubts, therefore, to which I have referred, must regard the competency of the Diet to interfere in the question at issue between the King-Duke of Holstein and his States, rather than the legal power of the Diet to order a Military Execution.

I also understand that a doubt has been raised as to whether the military intervention of the Diet can take place without the assent, or in opposition to the will, of the Sovereign.

I believe that there are but few precedents which can establish a right on the part of the Diet to intervene against the will of the Sovereign, but I may mention one, namely, in the case of the Duke of Brunswick : a Military Execution in the Duchy of Brunswick was ordered by the Diet, in consequence of certain illegal acts perpetrated by the Duke ; Saxony was charged by the Diet to carry out the Federal Execution, and the Saxon troops were already on their march to effect it, when the Duke of Brunswick was obliged to fly his capital.

I have thought it my duty to refer to these doubtful points respecting the legality of a Military Federal Execution in Holstein, as I have reason to believe that they will be brought under your Lordship's notice.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 66.

Articles XXVI, XXVII, LX, and LXI of the Final Act of Vienna of May 15, 1820.

ARTICLE XXVI.

LORSQUE dans un Etat Fédéral la tranquillité publique est compromise par des actes de résistance formelle aux autorités établies, et qu'il y a lieu de craindre que le mouvement séditieux ne se communique aux Etats voisins ; ou lorsqu'une révolte a effectivement éclaté, et que le Gouvernement, après avoir épuisé tous les moyens constitutionnels et légaux, demande lui-même l'assistance de la Confédération, la Diète est tenue de faire porter les secours les plus prompts pour le rétablissement de l'ordre légal : si, dans le dernier cas, le Gouvernement en question est notoirement hors d'état de réprimer la révolte par ses propres forces, et en même temps empêché par les circonstances de réclamer le secours de la Confédération, la Diète n'en prendra pas moins, sans y être expressément appelée, les mesures qu'elle jugera convenables pour le rétablissement de l'ordre et de la sureté. Dans tous les cas, ces mesures ne pourront se prolonger plus que le Gouvernement auquel la Confédération a prêté secours ne le jugera nécessaire.

ARTICLE XXVII.

Le Gouvernement qui aura reçu un pareil secours est tenu d'informer la Diète des causes qui ont donné lieu aux troubles, et de lui indiquer d'une manière satisfaisante les mesures prises pour affermir l'ordre légal rétabli.

ARTICLE LX.

Lorsqu'un membre de la Confédération sollicite la garantie générale pour la Constitution des Assemblées d'Etat ("für die in seinem Lande eingeführte Landständische Verfassung") établies dans son pays, la Diète est autorisée à s'en charger.

Elle acquiert par là le droit de maintenir cette Constitution lorsque l'une ou l'autre des parties intéressées en réclame la garantie, et d'aplanir les différends qui pourraient s'élever sur son interprétation ou son exécution, soit par voie de médiation, soit par décision arbitrale, à moins que la dite Constitution n'ait elle-même pourvu à d'autres moyens de concilier les différends de cette nature.

ARTICLE LXI.

Hors les cas de la garantie spéciale, et le maintien des principes ci-dessus énoncés relativement à l'Article XIII de l'Acte Fédéral,* la Diète n'est point autorisée à intervenir dans les affaires relatives aux Assemblées d'Etat ("in landständische Angelegenheiten"), ni dans les discussions qui pourraient avoir lieu entre ces Assemblées et leurs Souverains, tant que ces discussions ne dépasseront pas les limites au delà desquelles elles se confondraient avec les cas désignés par l'Article XXVI, dont dès lors les dispositions, ainsi que celles de l'Article XXVII, leur seraient applicables. Ce qui est établi par l'Article présent ne sera pas censé déroger à l'Article XLVI de l'Acte du Congrès de Vienne de 1815,† relatif à la Constitution de la Ville Libre de Francfort.

No. 67.

Lord A. Loftus to Lord J. Russell.—(Received May 27.)

My Lord, *Berlin, May 25, 1861.*

I AM informed that Baron Schleinitz has received the report of M. von der Pfordten on the present state of the Holstein question.

This report is of a confidential nature, and has not been yet published. I am told that the conclusions of M. von der Pfordten tend to indicate the Military Execution as the course to be adopted by the Diet.

Baron Schleinitz stated to me, at the last interview I had with him, that no decision had been yet taken by the Prussian Cabinet, and that he should do what he could to counsel a pacific course.

In conversing with me, his Excellency casually referred to a despatch of M Hall of the 22nd of March last, which he stated had been published in the Danish papers, but which had never been officially communicated to either of the two great German Powers or to the Diet. In this despatch Baron Schleinitz stated M. Hall had hinted that the Danish Government might be disposed to forego the quota of the Budget to be contributed to the common expenses of the Monarchy by Holstein for the year 1861.

If, said Baron Schleinitz, the Danish Government should take this course, it would put an end to all differences with respect to the current Budget promulgated by the Royal Patent, but it would be giving more than Germany required.

It would be a concession which would relieve a momentary pressure, and remove a portion of the difficulties, but it would not provide a permanent arrangement for the future.

His Excellency, however, seemed to be of opinion that this despatch might be utilized as a means of conciliation, and of eliciting further explanations.

He spoke vaguely about it, but in a manner which leads me to suppose that it may be taken up as a motive for postponing coercive measures, and as a basis for future negotiation.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

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* Article XIII de l'Acte Fédéral de 1815:—"Il y aura des Assemblées d'Etats ('Landständische Verfassungen') dans tous les pays de la Confédération."

† Article XLVI de l'Acte du Congrès de Vienne:—"La ville de Francfort avec son territoire, tel qu'il se trouvait en 1803, est déclarée libre et fera partie de la ligne Germanique. Les institutions seront basées sur le principe d'une parfaite égalité de droits entre les différents cultes de la religion Chrétienne. Cette égalité de droits s'étendra à tous les droits civils et politiques, et sera observée dans tous les rapports du Gouvernement et de l'Administration. Les discussions qui pourront s'élever, soit sur l'établissement de la Constitution, soit sur son maintien, seront du ressort de la Diète Germanique et ne pourront être décidées que par elle."

No. 68.

Mr. Jerningham to Lord J. Russell.—(Received May 28.)

My Lord, *Stockholm, May 20, 1861.*

I HAD the honour to receive on the 15th instant, by Mr. Lockwood, your Lordship's despatch of the 8th instant, entering into explanations relative to the proposals of Her Majesty's Government respecting the affairs of Denmark and Germany.

Having placed that despatch in the hands of Count Manderström, his Excellency returned it to me to-day, and also read me a short despatch he had addressed to Count Platen regarding it, but which naturally leaves the main question where it was.

Count Manderström stated that what he had heard from Paris and St. Petersburgh gave him reason to believe that both the French and Russian Governments entertained objections to your Lordship's propositions; but he added that perhaps an agreement between the four Powers might be arrived at in London through a comparison of their respective communications.

I have, &c.
(Signed) G. S. S JERNINGHAM.

No. 69.

Mr. Paget to Lord J. Russell.—(Received May 28.)

My Lord, *Copenhagen, May 23, 1861.*

AN Address was drawn up in the month of January last by the members of the Danish Diet ("Rigsdagen"), containing an expression of their sentiments in regard to the position of affairs between Denmark and the German Confederation. It has been since then circulated through the country, and received 71,006 signatures, and has been recently presented by a deputation of the Rigsdagen to the President of the Council.

A translation of the Address is inclosed herewith, together with a translation of the reply made to it by M. Hall in the name of the Danish Government.

I have, &c.
(Signed) A. PAGET.

Inclosure 1 in No. 69.

Address of the Danish Diet to the Danish Government.

(Traduction.)

UNE tournure décisive semble proche à l'égard des complications qui pèsent depuis longtemps sur tous nos rapports. Elle peut préparer la voie vers une solution pacifique et un arrangement convenable. Mais elle peut aussi devenir dangereuse non seulement pour notre Constitution et pour tout le développement de la liberté fruit des pénibles travaux de la génération présente, mais encore pour la succession millénaire que nous avons reçue de nos pères, c'est-à-dire, l'indépendance et l'honneur du Royaume de Danemark. Quant à l'issue des complications, elle dépendra en grande partie de l'attitude du Gouvernement et du peuple Danois. En présence de la gravité du moment, toute dissension intérieur doit cesser. L'heure du danger a toujours trouvé les Danois unis et forts. L'enthousiasme des années de la guerre reviendra avec les questions qui avaient amené la lutte. Le patriotisme qui nous unit tous, réveillera les forces qui sauvèrent la patrie et conquisent l'estime de l'Europe. Depuis 1852 nous travaillons avec abnégation et patience pour étendre à toutes les parties de la Monarchie la charte qui devait apporter l'unité et la force à l'Etat. Ces efforts auraient abouti si d'autres ne s'y étaient pas immiscés; car une union de quatre siècles a laissé une grande nombre de souvenirs que les tristes évènements intermédiaires pourraient affaiblir, mais qu'ils ne sauraient effacer. Mais l'effervescence du sentiment national Allemand intervint; plusieurs Gouvernements Germaniques trouvèrent leur compte à ouvrir ce dérivatif au mécontement général, et la Prusse, notamment, crut y trouver un levier pour ses projets. Aussi lorsqu'il advint que la base Constitutionnelle, qui était également conservée pour l'administration des affaires communes, fit perdre pour la Confédération Germanique tout chance de dominer

le Danemark par le Holstein et le Lauenbourg, la Confédération profita de la première divergence entre la représentation d'une partie de l'Etat et le pouvoir législatif de la Monarchie, pour rompre, malgré la résistance du Danemark, cette union Constitutionnelle, et pour la rétablir on voulait imposer des conditions auxquelles le Danemark ne saurait se soumettre. Car, de même que le peuple Danois n'a jamais eu l'idée d'opprimer les Holsteinois, de même il ne souffrira point que son développement dépende d'une volonté étrangère. Après la conduite que des Puissances Allemandes ont tenue vis-à-vis du Danemark—un petit Etat voisin et allié par des liens d'affinité, une pareille domination étrangère deviendrait une tyrannie si humiliante qu'elle amènerait par la force des choses une perturbation permanente de la paix de l'Europe. En conséquence, quel que soit l'arrangement que le Gouvernement Danois pourrait être forcé de faire à l'égard des rapports des pays qui, à un certain degré, se trouvent soumis à une souveraineté étrangère, il ne voudra jamais, nous en avons le ferme espoir, consentir à un accommodement qui placerait le Royaume Souverain de Danemark sous le régime de la Confédération Germanique.

Ce qui, en 1848, porta le peuple Danois à se lever contre une supériorité des forces accablante, et qui pendant une lutte de trois années le rendit prêt à des sacrifices de tout genre, c'était le droit du Danemark sur le Slesvig et le droit de la nationalité Danoise en Slesvig. Quoique seul, il ne combattit pas inutilement; car il remporta la victoire sur le champ de bataille et le Slesvig demeura uni au Royaume, tandisque sa séparation du Holstein fut constatée comme un fait. Aussi le peuple Danois ne veut pas se laisser enlever par adresse ni se laisser ravir de force le fruit de cette victoire, mais il est prêt à défendre dignement ce qui a été gagné avec honneur. Quoiqu'il y ait une divergence d'opinions sur la nature de la Constitution particulière qui doit sauvegarder les intérêts provinciaux du Slesvig et sur la composition et les attributions du Conseil Suprême, ce sont là des questions intérieures qui, nous l'esperons, trouveront leur solution pacifique et salutaire quand nos rapports intérieurs auront été définitivement débarrassés de toute pression étrangère. Mais l'union Constitutionnelle du Royaume et du Slesvig dans un Etat indivisible et indépendant, ainsi qu'une organisation intérieure du Slesvig qui sauvegarde les droits longtemps méconnus de la nationalité Danoise, tel est l'état de choses existant et légal sur lequel nous ne saurions négocier avec des étrangers et que nous sommes prêts à revendiquer, s'il le faut, par tous les moyens qui sont à notre disposition.

Réunis en ce moment pour remplir le mandat public dont nous sommes chargés, et puisant dans cette circonstance le droit et le devoir de prendre la parole, nous invitons tous nos concitoyens qui approuvent ce qui vient d'être exprimé et qui sont prêts à affirmer par le fait, chacun à sa manière, sa foi—la foi dans le maintien inviolable de notre patrie par l'amour dévoué de ses fils, nous les invitons à déclarer au Gouvernement en apposant leur signature au bas de cette Adresse, "que de même que le peuple Danois n'a aucune prétention de dominer le Holstein et le Lauenbourg, de même il ne veut pas souffrir que les rapports du Holstein et du Lauenbourg avec les autres parties de la Monarchie soient arrangés de manière à les placer sous la dépendance de la Confédération Germanique, et que nous sommes prêts à tout sacrifice pour revendiquer l'union Constitutionnelle qui existe entre le Royaume et le Slesvig, ainsi que le droit légal et juste de la nationalité Danois en Slesvig."

Copenhague, le 16 *Janiver,* 1861.

(Suivent les signatures.)

Inclosure 2 in No. 69.

Extract from the "Berlingske" of May 18, 1861.

(Traduction.)

UNE députation, composée de MM. Madvig, Blixen-Finecke, Hammerich (Professeur), Larsen (Avocat), Plong (Rédacteur), a présenté, hier, à M. Hall l'Adresse de confiance de la Diète Danoise.

Le Rapporteur, M. Madvig, a dit que les membres de la Diète, tout en se tenant scrupuleusement dans les limites qui leur étaient assignées, avaient cependant senti le besoin, avant de se séparer, d'exprimer les sentiments qu'ils éprouvaient au milieu des dangers où se trouvait la patrie. Ils s'étaient abstenus de tout esprit de parti, et ils n'avaient exprimé que des sentiments auxquels ils croyaient que tout Danois devait participer. Aussi avaient-ils fourni à tous ceux qui étaient animés des mêmes sentiments l'occasion de prendre part à l'Adresse, qui, en considération du grand nombre qui s'y était associé, pouvait être regardée comme émanée du peuple Danois. On était parti de la supposition que le Gouvernement admettait les points principaux de l'Adresse, mais on

savait qu'il était souvent l'objet d'une forte pression extérieure, et l'on avait cru qu'en présence d'une pareille pression et toutes les fois qu'il pouvait être question d'une grande responsabilité et de grands services, les hommes les plus fermes pouvait avoir besoin d'acquérir la certitude de trouver un appui au sein du peuple.

Son Excellence le Président du Conseil a donné lecture, au nom du Gouvernement, de la réponse qui suit :—

"Le Gouvernement doit attacher un très grand prix à l'Adresse qui lui est présentée aujourd'hui, après qu'elle a trouvé un accueil si extraordinaire partout dans le pays. Le Gouvernement apprécie cette manifestation avec autant plus de satisfaction qu'il partage, dans les points essentiels, les vues qui sont exprimées dans l'Adresse, et qu'en même temps il a la conviction que les démarches qui ont été faites pendant les quatre derniers mois ont été dans une harmonie parfaite avec la pensée fondamentale qui sert de point de départ à l'Adresse.

"On sait que le Gouvernement n'a pas réussi à atteindre par ces démarches le but qu'il avait en vue. Le Gouvernement comprend cependant le besoin qu'on éprouve d'être fixé sur la situation politique du pays dans un temps si grave et si dangereux, et il attend lui-même avec impatience le moment où des éclaircissements complets pourront être donnés à ce sujet sans porter atteinte aux intérêts du pays en préjugeant la marche des discussions encore pendantes.

"Cependant je crois à cette occasion pouvoir déjà exprimer comme la conviction du Gouvernement, que c'est d'une importance pressante que la question en litige trouve actuellement sa solution, et que, après expérience acquise par tant d'efforts pénibles et infructueux, cette solution pourra seule être obtenue en donnant au Duché de Holstein une position indépendante telle que Sa Majesté, sans souffrir aucune immixtion dans l'arrangement et dans le Gouvernement Constitutionnel des parties de la Monarchie qui n'ont aucun rapport avec la Confédération Germanique, puisse être mise en état de remplir les demandes qui lui sont adressées en sa qualité de Duc de Holstein, et auxquelles, en tenant compte de la position politique générale, elle pourrait croire devoir acquiescer, quand même elles ne seraient pas fondées dans le pacte Fédéral Allemand.

"Je puis ajouter que les Puissances amies ont également rendu justice aux démarches que nous avons faites à plusieurs reprises, et en dernier lieu au mois de Mars de cette année, afin de parvenir à l'applanissement amiable des difficultés pendantes.

"De même que vous avez toujours montré un vif intérêt pour le Danemarc, de même il résulte de votre dernière conduite que vous reconnaissez le danger de laisser en suspens la question Dano-Allemande au milieu des circonstances politiques actuelles, et le Gouvernement se livre à l'espoir que dans vos efforts vous partagerez les vues du Gouvernement sur la voie par laquelle une véritable solution du différend peut seule être obtenue aujourd'hui.

"Quoique le Gouvernement ait cru de son devoir de préparer un développement de tous nos moyens de défense propre à opposer une résistance vigoureuse dans le cas où une lutte éclaterait de nouveau, il n'a pourtant pas renoncé à l'espoir de parvenir à terminer le différend par une voie pacifique, et à rétablir ainsi entre le Danemarc et l'Allemagne les bonnes relations qui sont si naturelles et si désirables de part et d'autre."

Ensuite son Excellence a remis entre les mains du Rapporteur la réponse pour la livrer à la publicité, et le Rapporteur a remercié en son propre nom de la bienveillance et de la franchise avec lesquelles le Gouvernement s'est exprimé.

L'Adresse est couverte de 71,006 signatures.

No. 70.

Lord J. Russell to Lord Napier.

My Lord, *Foreign Office, May* 29, 1861.

HER Majesty's Government have attentively considered Prince Gortchakoff's Memorandum on the questions relating to the Danish Duchies which was inclosed in your Excellency's despatch of the 4th instant.

Prince Gortchakoff approves of the first four propositions contained in my despatch of the 19th of April, with some modifications which can be hereafter considered; but he objects to the fifth and following propositions on the ground that the Treaty of May 8, 1852, affords a sufficient guarantee for the possession of the Duchy of Schleswig by

Denmark, and that a special guarantee of Schleswig given now by four only of the Powers who signed that Treaty would weaken the force of the existing guarantee.

I have to observe upon this that the Treaty of 1852 recognises as permanent the principle of the integrity of the Danish Monarchy; and Her Majesty's Government would therefore suggest, with a view to satisfy Russia, instead of the fifth proposition of my despatch, the following wording: "Austria, Great Britain, France, Prussia, Russia, and Sweden, continue to recognise as permanent the principle of the integrity of the Danish Monarchy," according to the Treaty of May 8, 1852.

The 6th and 7th Articles do not appear to meet with any objection from the Court of St. Petersburgh, but, if thought advisable, the 7th Article might be omitted as superfluous.

I am, &c.
(Signed) J. RUSSELL.

No. 71.

Lord Napier to Lord J. Russell.—(Received June 1.)

My Lord, *St. Petersburgh, May* 24, 1861.

CONTRARY to the expectation which I expressed in my last despatches Prince Gortchakoff has been enabled, before leaving St. Petersburgh, to give his renewed attention to the proposals of Her Majesty's Government for the settlement of the Schleswig-Holstein question. His Excellency has placed in my hands the accompanying Memorandum conveying an almost unqualified assent to your Lordship's overtures. The Prince is of opinion that the discussion of this affair should be continued under your Lordship's auspices in London.

I learn that the same desire has been expressed by the Cabinet of Sweden.

I have, &c.
(Signed) NAPIER.

Inclosure in No. 71.

Observations of Prince Gortchakoff upon Lord J. Russell's Despatch dated May 8, 1861.

LE Premier Secrétaire d'Etat de Sa Majesté Britannique a développé dans sa dépêche du 8 Mai les propositions que renfermait sa communication du 19 Avril, et trace la marche qu'il y aurait à suivre pour parvenir au but auquel elles tendent, savoir, l'arrangement définitif du différend qui existe entre le Danemarc et la Confédération Germanique, au sujet des affaires du Holstein.

En prenant connaissance de cette communication, le Ministère Impérial a relevé avec une véritable satisfaction le parfait accord dans la manière de voir des deux Cabinets quant aux principes généraux sur lesquels se réglerait leur commune œuvre de conciliation : respect des droits de la Confédération Germanique, tant que l'exercice de son pouvoir ne dépasse pas les limites du territoire Fédéral; maintien de l'indépendance et de l'intégrité de la Monarchie Danoise, telles qu'elles ont été reconnues et consacrées par le Traité de Londres du 8 Mai, 1852.

D'accord sur ces principes fondamentaux de leur intervention, les deux Cabinets ne le sont pas moins quant aux difficultés qu'ils doivent se préparer à rencontrer. Lord John Russell les a signalées. Ce sont, du côté de l'Allemagne, ses vues, mal déguisées par les Gouvernements, mais d'autant plus hautement proclamées par certaines coteries, entre autres le "National Verein," sur le Duché de Slesvig; du côté du Danemarc proprement dit, la juste crainte d'inaugurer par des concessions aux exigences de la Diète Fédérale, un système permanent d'ingérence dans ses affaires intérieures, incompatible avec les droits de souveraineté du Roi; du côté de Holstein, son refus de se prêter même à l'essai d'une entente directe que lui offrait le Gouvernement Danois; enfin, le profond dissentiment et la mutuelle méfiance que cette longue lutte a fait naître et grandir entre les deux parties, et que la presse s'applique à rendre irreconciliable.

Trois modes de combinaison ont été mis en avant comme moyen de lever toutes les difficultés.

Le Slesvig serait incorporé dans le Royaume de Danemarc; ou, le Slesvig serait réuni au Duché de Holstein et deviendrait partie de l'Allemagne; ou bien, le Slesvig serait partagé selon les langues que parle sa population. La partie Allemande suivrait

le sort du Duché de Holstein, tandis que la partie Danoise serait incorporée dans le Royaume.

Le Ministère Impérial ne s'arrêtera pas à l'examen de ces différents projets d'arrangements et de leurs conséquences, si tant est qu'ils puissent être mis à exécution.

Le Premier Secrétaire d'Etat de Sa Majesté Britannique a appuyé son jugement sur des considérations que nous ne pouvons que partager. En effet les deux premiers rencontreraient, l'un du côté de l'Allemagne, l'autre du côté du Danemarc, les plus justes objections fondées sur les engagements et les droits réciproquement établis pas les négociations qui ont eu lieu en 1851 et 1852 entre le Danemarc d'un côté et l'Allemagne de l'autre. Quant au troisième projet, celui du partage selon les langues, il serait à peine réalisable au milieu d'éléments aussi disséminés que le sont les Allemands et les Danois dans le sud du Slesvig, et, loin de terminer le débat, il ne ferait qu'ouvrir une nouvelle source de plaintes et de contestations.

De son côté le Ministère Britannique est d'opinion que la question qui nous occupe pourrait trouver sa solution dans un arrangement qui aurait pour base les points qui suivent :—

1. Le Holstein serait séparé du reste de la Monarchie Danoise aussi complètement que le Luxembourg est séparé de la Hollande.

2. Le Slesvig serait uni au Danemarc pour les affaires communes de la Monarchie.

3. Il y aurait dans le Duché de Slesvig, comme en Bohême et en Galicie, un Corps Représentatif local qui aurait pour mission de garantir les droits et intérêts de la population Allemande de la province.

Le Ministère Impérial a pris ces trois points en très sérieuse considération.

Il n'aurait, pour sa part, aucune objection à ce que le Holstein fût placé à l'égard du Danemarc dans une position parfaitement égale à celle du Grand Duché de Luxembourg vis-à-vis du Royaume des Pays-Bas. Ce serait même, à son avis, le meilleur moyen de mettre un terme à tout conflit ultérieur avec l'Allemagne ; et en appréciant la proposition à ce point de vue général, la Diète de Francfort ne trouvera peut-être dans la législation Fédérale aucun juste motif de lui refuser son adhésion. Elle devrait comprendre au moins qu'il est de l'intérêt de l'Allemagne elle-même de ne plus avoir à intervenir dans les affaires intérieures du Danemarc, tout comme elle n'est point appelée à se préoccuper de celles de la Hollande. D'ailleurs les arrangements auxquels la Confédération concourut en 1839, lorsque les droits et obligations affectant les pays ci-devant Fédéraux qui forment aujourd'hui le Royaume de Belgique furent transportés sur le Grand Duché actuel de Luxembourg et sur le Duché de Limbourg, ces arrangements pourraient, au besoin, servir de précédent.

Toutefois, quelles que soient les considérations qui plaident pour la proposition, il resterait à savoir si une complète assimilation de la position du Holstein et de celle du Luxembourg est en général possible, et si le Danemarc ainsi que les Etats Holsteinois elle-mêmes voudront ou pourront y consentir.

Entre le Luxembourg et le Royaume des Pays-Bas il n'existe, autant que nous pouvons en juger par les Constitutions respectives des deux pays, qu'une seule communauté, c'est celle de la maison régnante et de l'ordre de succession au Trône consacré d'une manière uniforme. Quant à la législation et aux affaires administratives, particulièrement en matière de finances, elles sont traitées dans chacun des deux pays séparément. Leurs budgets n'ont rien de commun entre eux, les recettes et dépenses n'étant pas communes.

Il n'en est pas de même entre le Holstein et le Royaume de Danemarc. Indépendamment de leur union indissoluble sous le même sceptre, ils ont surtout dans les questions financières une infinité de points de contact qu'il ne serait possible de faire disparaître que peu-à-peu et dans le cours d'une longue suite d'années. La Patente Royale du 23 Septembre, 1859, l'Ordonnance Ministérielle du 25 du même mois, enfin les propositions soumises en dernier lieu aux Etats Provinciaux, suffisent à elles seules pour constater l'importance des intérêts que chacune des deux parties croit devoir sauvegarder et que le Holstein ne retrouvera peut-être pas en acceptant une position analogue à celle du Luxembourg. Il restera toujours certaines questions de détails, entre autre celles des domaines, auxquelles il ne renoncera pas facilement, et qu'il faudra par conséquent régler, soit d'un commun accord avec le Danemarc, soit par arbitrage, ainsi que le propose Lord John Russell.

Quoiqu'il en soit de ces hypothèses, rien n'empêcherait d'émettre la proposition sub No. 1. Elle témoignera une fois de plus de l'intention sincère et désintéressée des Puissances non-Allemandes d'aider la Confédération et le Danemarc à sortir de l'embarras où ils se voient placés, et de leur désir non moins sincère d'éviter aux deux parties des complications plus graves encore qui, à coup sûr, ne profiteraient ni à l'un ni à l'autre.

La seconde proposition du Cabinet de Londres se réfère à celles que sa communication du 19 Avril, n.s., a produits sous les Nos. 3 et 4. Le Ministère Impérial n'a, de son côté, que peu de chose à ajouter aux observations émises à leur égard dans son mémorandum du $\frac{23 \text{ Avril}}{\quad}$.

Les Etats Provinciaux du Slesvig, créés dès l'année 1831, et qui devaient recevoir une nouvelle organisation en 1852, ne délibèrent dans leurs Assemblées que sur les affaires intérieures de la province, affaires des communes de ville et des campagnes, répartition des impôts dans les districts, &c., tandis que pour les affaires communes de la Monarchie la Constitution de 1855, encore en vigueur dans le Duché, appelle des Représentants Slesvicois à faire partie du Rigsraad. Il n'y aurait donc, si nous comprenons bien cet état de choses, rien de nouveau dans la seconde proposition; mais il est à prévoir que la seule annonce de l'union avec le Danemarc soulèvera de nouvelles agitations dans le Slesvig comme dans le Holstein. Les meneurs, si non la partie sensée des populations, prétendraient y entrevoir le prélude à l'incorporation du Slesvig, et à la solution des liens non politiques qui existent depuis des siècles entre les deux Duchés. Ce qui justifierait ces appréhensions, c'est le peu d'empressement que le Gouvernement Danois a mis jusqu'à présent, ainsi que Lord John Russell a voulu le reconnaître également, à remplir d'une manière entièrement satisfaisante les engagements contractés par la publication Royale du 28 Janvier, 1852.

La troisième proposition enfin a pour objet l'établissement dans le Slesvig d'un Corps Représentatif local, qui offrirait à la population Allemande du Duché une garantie de ses droits et de ses intérêts.

Le Cabinet Impérial se plait à apprécier les vues qui ont dicté cette proposition. Il n'hésiterait point à l'appuyer, et il pense que les deux Puissances Allemandes ne lui refuseraient pas peut-être leur adhésion. Jusqu'à présent en effet les Allemands qui habitent le Slesvig n'ont pas eu une autorité tutélaire spéciale, ni un organe au moyen duquel ils pussent légalement faire parvenir leurs vœux et leurs plaintes aux pieds du Trône. Le droit de pétition n'y existe pas. Il est donc naturel que le Gouvernement Danois ne peut être informé toujours avec exactitude et une parfaite impartialité de leurs vrais besoins, et de l'esprit dans lequel ses intentions sont remplies chez eux. C'est ce qui a donné lieu aux reproches et protestations dont la presse et les tribunes en Allemagne ont si souvent retenti dans les dernières années, et qui ont excité tant d'animosité contre le Gouvernement Danois. La création d'une autorité telle que la définit Lord John Russell remédierait, en partie au moins, à cette fâcheux situation. Elle contribuerait à rétablir avec le tems la confiance entre le Gouvernement et ses sujets Allemands.

Mais pour faire agréer la proposition à Copenhague, il faudrait que les Puissances fussent en mesure de s'expliquer sur le mode à suivre tant pour la composition du Collège local, que sur la nature et les limites de ses attributions, le tout sans blesser les susceptibilités du sentiment national Danois et sans porter atteinte à la dignité et à la prérogative Royale.

Le Cabinet Impérial croit devoir signaler d'avance ces considérations, non parcequ'il doute de la possibilité de réaliser le projet en question ou de son utilité pratique, mais parcequ'il lui semble que nous devons être préparés aux objections que la proposition rencontrera de la part d'un Gouvernement constamment préoccupé de la crainte, fondée ou non, de voir l'élément Germanique se fortifier aux dépens de la nationalité Danoise.

Telles sont les observations que l'examen des propositions du Principal Secrétaire d'Etat a suggérées au Cabinet Impérial. Il en résulte pour lui une conviction que partage le Cabinet Britannique, savoir:—Que tout arrangement destiné à rétablir la concorde entre le Danemarc et la Confédération Germanique doit nécessairement, pour être viable, et ne pas laisser la porte ouverte à de nouvelles complications, embrasser le Duché de Slesvig. Ni le Danemarc ni la Confédération ne sauraient se prévaloir du fait que le Slesvig n'est pas membre du corps Germanique. Il existe entre eux relativement à ce Duché des engagements réciproques que constate la publication Royale du 28 Janvier, 1852, et dont l'exécution imparfaite jusqu'à présent du côté du Danemarc, réclame, pour l'établissement d'une entente définitive, le concours des deux parties qui ont contracté en 1851 et 1852. Elles ne pourront donc pas se refuser à ce que la négociation se porte sur ce terrain.

La dépêche du 8 Mai ne fait pas mention, comme celle du 19 Avril, Article 16, de la délimitation du Slesvig. Cependant le Cabinet Impérial persiste à croire, ainsi qu'il l'a exprimé en date du $\frac{23 \text{ Avril}}{5 \text{ Mai}}$, que cette délimitation, exécutée comme le Cabinet Britannique l'a propose, serait nécessaire et réellement utile.

D'un autre côté le Cabinet Impérial relève avec satisfaction que Lord J. Russell semble avoir abandonné l'idée d'une garantie partielle à offrir au Danemarc, en dehors

du Traité de Londres, pour la paisible possession du Duché de Slesvig. Le Ministère de l'Empereur croit donc pouvoir se dispenser de revenir sur ce sujet si infiniment délicat.

Enfin Lord J. Russell aborde la question de savoir comment il sera procédé pour donner suite à son plan d'arrangement.

Il a déjà été dit plus haut que le Cabinet Impérial est parfaitement d'accord avec le Cabinet de Sa Majesté Britannique sur les principes qui sont le base du projet d'intervention. Il ne peut donc que s'associer aux idées qu'expose le Principal Secrétaire d'Etat. Le plan d'arrangement serait communiqué avant tout aux Cours de Vienne et de Berlin, ainsi qu'à la Diète Fédérale. Ces propositions seront simplement présentées comme une combinaison ayant pour but d'ouvrir les voies à un accommodement équitable et de conjurer le danger qui menace évidemment la paix de l'Europe. Cette communication serait accompagnée des témoignages les plus affectueux de intérêt amical, de respect pour les droits de la Confédération Germanique, et de sollicitude pour le bien-être des sujets Allemands du Roi de Danemarc, enfin des assurances les plus propres à lui préparer un favorable accueil.

Lord J. Russell admet le cas d'un refus de la part de la Confédération d'accepter les propositions qui lui seraient faites. Cette éventualité, il faut le dire, se présente naturellement à l'esprit. Mais il serait difficile, pour le moment, selon l'opinion du Cabinet Impérial, d'indiquer les déterminations à prendre si elle venait à se réaliser, et il croit préférable de réserver ce cas à des délibérations ultérieures, dont, à notre avis, le siège pourrait le plus avantageusement être établi à Londres. Toujours est-il qu'elles auront la conscience d'avoir rempli un devoir envers les deux parties et envers l'Europe, et que si leurs efforts employés dans un esprit de conciliation, de paix, et de parfait désintéressement, ont manqué leur but, ce n'est pas sur elles que retombera la responsabilité des conséquences.

Le Cabinet Impérial partage à cet égard les convictions du Cabinet Britannique.

(Translation.)

THE First Secretary of State of Her Britannic Majesty has, in his despatch of the 8th May, developed the propositions which were contained in his communication of the 19th April, and traces the course to be followed in order to arrive at the object at which they aim, viz., the final arrangement of the dispute which exists between Denmark and the Germanic Confederation, with respect to the affairs of Holstein.

In taking cognizance of this communication, the Imperial Ministry have observed with true satisfaction the perfect agreement in the views of the two Cabinets as to the general principles which should regulate their common work of reconciliation: respect for the rights of the Germanic Confederation, as long as the exercise of its power does not exceed the limits of the Federal territory; maintenance of the independence and integrity of the Danish Monarchy, such as they were recognised and sanctioned by the Treaty of London of the 8th May 1852.

The two Cabinets, agreeing in the fundamental principles of their intervention, are equally agreed as to the difficulties which they must be prepared to meet. Lord John Russell has indicated them. They are, on the side of Germany, her designs, ill-disguised by the Governments, but all the more loudly proclaimed by certain coteries, and amongst others by the "National Verein," upon the Duchy of Schleswig; on the side of Denmark, properly so called, the just fear of inaugurating, by concessions to the exigencies of the Federal Diet, a permanent system of interference in her internal affairs, incompatible with the rights of the King's sovereignty; on the side of Holstein, its refusal even to lend itself to the attempt at a direct understanding which the Danish Government offered it; lastly, the profound disagreement and the mutual mistrust which this long struggle has engendered and fostered between the two parties, and which the press strives to render irreconcilable.

Three modes of combination have been brought forward as means of removing all the difficulties.

Schleswig might be incorporated in the Kingdom of Denmark, or Schleswig might be united to the Duchy of Holstein, and become a part of Germany; or again, Schleswig might be divided according to the languages spoken by its population. The German portion would share the fate of the Duchy of Holstein, whilst the Danish portion would be incorporated in the Kingdom.

The Imperial Ministry will not stay to examine these difficult projects for an arrangement and their results, supposing they can be carried into effect.

The First Secretary of State of Her Britannic Majesty has founded his judgment on considerations which we cannot but accept. In fact, the two first modes would be met,

the one on the side of Germany, the other on the side of Denmark, by objections of the justest nature, founded on the engagements and rights reciprocally established by the negotiations which took place in 1851 and 1852, between Denmark on the one side, and Germany on the other. As to the third project, that of a division according to languages, it could hardly be realized in the midst of such scattered elements as make up the Germans and Danes in the South of Schleswig, and far from terminating the strife, it would only open a new source of complaints and disputes.

On their side the British Ministry are of opinion that the question which occupies us might be solved by an arrangement, having for its basis the following points:—

1. Holstein to be separated from the rest of the Danish Monarchy as completely as Luxemburg is separated from Holland.

2. Schleswig to be united to Denmark for the common affairs of the Monarchy.

3. A Local Representative Body in the Duchy of Schleswig, as in Bohemia and Galicia, its mission being to guarantee the rights and interests of the German population of the Province.

The Imperial Ministry have taken these three points into very serious consideration.

They would not, as far as they are concerned, have any objection to Holstein being placed, with respect to Denmark, in a perfectly similar position to that of the Grand Duchy of Luxemburg in regard to the Netherlands. It would even, in their opinion, be the best means of terminating all conflict for the future with Germany; and in considering the proposition from this general point of view, the Diet of Frankfort will, perhaps, not find in the Federal legislation any just motive for refusing its adhesion thereto. It must understand, at least, that it is the interest of Germany herself no longer to have to interfere in the internal affairs of Denmark, just as she is not called upon to occupy herself with those of Holland. Besides, the arrangements to which the Confederation was a party in 1839, when the rights and obligations affecting the countries which were formerly Federal, and now constitute the Kingdom of Belgium, were transferred to the actual Grand Duchy of Luxemburg and the Duchy of Limburg, these arrangements, I say, might, if required, serve as a precedent.

At all events, whatever be the considerations which favour the proposition, it would still have to be ascertained whether a complete assimilation of the positions of Holstein and Luxemburg is generally possible, and whether Denmark, as well as the Holstein States themselves, would or could consent thereto.

Between Luxemburg and the Netherlands there exists, as far as we can judge from the respective Constitutions of the two countries, but one thing in common, viz., the reigning house, and the order of succession to the Throne, which has been sanctioned uniformly. As to the legislation and the administrative affairs, particularly in matters of finance, they are treated separately in each of the two countries. Their Budgets have nothing in common, the receipts and expenses not being common to both.

This is not the case with respect to Holstein and the Kingdom of Denmark. Independently of their indissoluble union under the same sceptre, they have, especially in financial matters, an infinity of points of contact which it would only be possible to efface gradually and during a long series of years. The Royal Patent of September 23, 1859; the Ministerial Decree of the 25th of the same month; lastly, the propositions lately submitted to the Provincial States, are sufficient of themselves to show the importance of the interests which each of the two parties thinks it ought to preserve, and which Holstein will, perhaps, not find again if it were to accept an analogous position to that of Luxemburg. There will always remain certain questions of detail, among others those of the domains, which it will not easily give up, and which must consequently be settled, either by a common agreement with Denmark, or by arbitration, as proposed by Lord John Russell.

However it may be with these hypotheses, there would be nothing to prevent proposition No. 1 being brought forward. It would bear witness once more to the sincere and disinterested intention of the non-German Powers to assist the Confederation and Denmark to escape from the embarrassing position in which they find themselves placed, and to their no less sincere desire to preserve both parties from still graver complications which would profit neither the one nor the other.

The second proposition of the Cabinet of London, refers us to those which its communication of the 19th April, N. S., has brought out, numbered 3 and 4. The Imperial Government have, on their part, but little to add to the observations made with regard to them in their Memorandum of the $\frac{\text{23rd April,}}{\text{5th May}}$.

The Provincial Estates of Schleswig, created in the year 1831, and which were to obtain a fresh organization in 1852, deliberated in their assemblies only upon the internal affairs of the Province, the affairs of the communities in town and country, redistribution of

imposts in the districts, &c.; whilst for affairs common to all the Monarchy, the Constitution of 1855, still in force in the Duchy, summons representatives from Schleswig to form part of the Rigsraad. There would therefore, if we understand rightly the state of matters, be nothing new in the second proposition; but we can foresee that the mere announcement of union with Denmark will arouse fresh agitation in Schleswig as in Holstein. The agitators, if not the rational portion of the people, would pretend to perceive in this the prelude to the incorporation of Schleswig, and to the loosening of the non-political bonds, which for centuries have united the two Duchies. These apprehensions would be justified by the want of earnestness which the Danish Government has hitherto shown, as Lord John Russell has likewise recognized, in fulfilling in an entirely satisfactory manner the engagements contracted by the Royal publication of the 28th January, 1852.

Lastly, the third proposition has for its object the establishment in Schleswig of a local representative body, which should offer to the German population of the Duchy a guarantee of their rights and interests.

The Imperial Cabinet is happy to appreciate the views which have dictated this proposal. They would not hesitate to support it, and they believe that the two German Powers might not, perhaps, refuse it their adhesion. Up to this time, indeed, the Germans who inhabit Schleswig have not had a special authority for their protection, nor an organ by means of which they could legally present their desires and their grievances at the feet of the Throne. The right of petition does not exist there. It is, therefore, natural that the Danish Government cannot always be informed with exactness, and a perfect impartiality, of their real wants, and of the spirit with which its intentions are carried into effect among them. This it is which has given rise to the reproaches and protests which the press and the Chambers in Germany have so often echoed during late years, and which have excited so much animosity against the Danish Government. The creation of such an authority as is defined by Lord John Russell would partially, at least, remedy this vexatious situation. It would in time contribute to the re-establishment of confidence between the Government and its German subjects.

But, in order to make the proposition acceptable at Copenhagen, the Powers would require to be prepared to explain the method to be followed, whether as to the composition of the local college, or as to the nature and limits of its functions, all without wounding the susceptibilities of the sentiment of nationality among the Danes, or derogating from the royal dignity and prerogative.

The Imperial Cabinet thinks it right to point out these considerations beforehand, not because they doubt the possibility of realizing the project in question nor its practical utility, but because it appears to them that we must be prepared for the objections which the proposition will meet with on the part of a Government constantly possessed with a dread, whether founded or unfounded, of seeing the Germanic element strengthen itself at the expense of the Danish nationality.

Such are the observations which the examination of the propositions of the Principal Secretary of State have suggested to the Imperial Cabinet. They have arrived at the same conclusion with respect to them as the British Cabinet, viz.:—that every arrangement destined to re-establish concord between Denmark and the Germanic Confederation must necessarily, to be capable of life and not to leave the door open to new complications, embrace the Duchy of Schleswig. Neither Denmark nor the Confederation could take advantage of the fact that Schleswig is not a member of the Germanic body. There exist between them, with respect to this Duchy, reciprocal engagements laid down in the Royal publication of the 28th of January, 1852, and the imperfect execution of which up to the present moment on the part of Denmark, requires, for the establishment of a definitive understanding, the assistance of the two contracting parties in 1851 and 1852. They cannot, therefore, refuse to bring the negotiation upon this ground.

The despatch of the 8th of May does not mention, like that of the 19th of April, Article 16, the delimitation of Schleswig. Nevertheless the Imperial Cabinet persist in believing, as they stated on the $\frac{23 \text{ April}}{5 \text{ May}}$, that this delimitation, effected in the manner proposed by the British Cabinet, would be necessary and really useful.

Again, the Imperial Cabinet observe with satisfaction that Lord J. Russell appears to have abandoned the idea of offering a partial guarantee to Denmark, unconnected with the Treaty of London, for the peaceable possession of the Duchy of Schleswig. The Minister of the Emperor, therefore, considers himself dispensed from reverting to this so infinitely delicate subject.

Lastly, Lord J. Russell comes to the question as to the manner of procedure for carrying out his plan of arrangement.

It has already been said above, that the Imperial Cabinet agree perfectly with Her

Britannic Majesty's Cabinet as to the principles which are the basis of the project of intervention. They cannot therefore do otherwise than participate in the ideas brought forward by the Principal Secretary of State. The plan of arrangement should be communicated to the Courts of Vienna and Berlin first of all, as well as to the Federal Diet. These propositions will simply be presented as a combination having for its object to open the way to an equitable arrangement, and to avert the danger which evidently menaces the peace of Europe. This communication would be accompanied by the warmest attestations of friendly interest, of respect for the rights of the Germanic Confederation, and of solicitude for the welfare of the German subjects of the King of Denmark; lastly, by the assurances most calculated to prepare for it a favourable reception.

Lord J. Russell admits the case of a refusal on the part of the Confederation to accept the propositions made to it. This eventuality, we must allow, naturally occurs to one's mind. But it would be difficult at present, in the opinion of the Imperial Cabinet, to indicate the decision to be taken, should it be realized, and they think it preferable to reserve this case for future deliberations, the seat of which, in our opinion, would be most advantageously fixed at London. At all events they will have the consciousness of having fulfilled a duty towards the two parties, and towards Europe, and if their efforts, employed in a spirit of reconciliation, of peace, and of perfect disinterestedness, have missed their object, the responsibility of the consequences will not fall upon them.

The Imperial Cabinet shares, upon this subject, the convictions of the British Cabinet.

No. 72.

Mr. Paget to Lord J. Russell.—(Received June 3.)

(Extract.) *Copenhagen, May 29, 1861.*

IT is needless to say that the Danish Government is waiting most anxiously for the result of the negotiations between the Great Powers on the Duchies question.

M. Hall read to me, yesterday, a despatch he had received from Count Moltke, the Danish Minister in Paris, reporting a conversation he had had with M. Thouvenel on the occasion of communicating to him a copy of a circular which has recently been addressed to the Danish Representatives abroad relative to the proceedings between the Danish Government and the States of Holstein, and which has, of course, been placed in your Lordship's hands by M. de Bille.

M. Thouvenel did not make any explicit declaration of the views of the French Government as to the best mode of settlement, but the general tendency of his Excellency's observations was in accordance with the prevailing conviction as to the impossibility of finding a solution on the basis of a common representation. In the course of the conversation M. Thouvenel appears to have alluded to the possibility of a Conference on Danish affairs being assembled in London some time in the ensuing autumn.

M. Hall's observations on this despatch were, that although it did not contain anything very positive as to the course which the French Government was disposed to recommend under present circumstances, it was nevertheless, a source of satisfaction to him to find that the affairs of this country were seriously occupying the attention of the Government of the Emperor as well as that of the other Great Powers.

The news which his Excellency receives from Frankfort induces him to believe that there will be some delay before the Report of the United Committees is presented to the Diet, and he is in hopes that the negotiations, in which Her Majesty's Government have shown so much friendly interest, may by that time, or soon after, be brought to a satisfactory issue. In the event of the Great Powers failing to come to an understanding, I believe it to be his Excellency's intention to draw up a plan as much in accordance as possible with what he knows of the views of Her Majesty's Government and that of Sweden; to communicate it to the Great Powers, and to ask them, if the measures therein detailed are carried out, whether they will guarantee Denmark against encroachments in Schleswig.

He said he thought it most desirable to simplify, as much as possible, the relations between Holstein and the rest of the Monarchy, and the plan I had read to him appeared to realize this object. With regard to the navy, for instance, his Excellency said it was far more desirable that a sum should be fixed, once for all, as the contribution of Holstein, than that this branch of the service should be left in the common Budget, as proposed in the Swedish Memorandum, of which a copy had recently been given to him, and which I believe is also in your Lordship's hands.

I said, the reason I had proposed a fixed contribution from Holstein for the navy was, that I was convinced the States would never agree to pay the amount at which they were assessed in the Budget of 1860-62, which I had taken for my guide; that, consequently, a point of dispute would be at once created; but that even if they did, they would certainly never consent to its increase, and, therefore, one of two inconveniences would arise—either the hands of the Danish Government would be tied as regards the navy, or they would be brought again into collision with the States. I added, it was very probable the Danish Government would have to put up with the loss of a few hundred thousand dollars in the Navy Budget, but that if they gained peace and quiet in return they might well reconcile themselves to the sacrifice.

M. Hall said that this was entirely his own view, and he reminded me it was in accordance with what he had himself expressed to me on previous occasions.

His Excellency made no observation, and hence I am authorized in supposing he will make no objection, respecting the measures for Schleswig alluded to in the Memorandum.

No. 73.

Mr. Paget to Lord J. Russell.—(*Received June* 3.)

My Lord, *Copenhagen, May* 30, 1861.

M. HALL read to me last night a telegram he had received on the evening of the 27th instant from M. de Bille, stating that your Lordship had informed him that the negotiations between the Great Powers on the Danish question might be considered to have failed in consequence of difficulties raised by France and Russia, that consequently the Danish Government should lose no time in making such arrangements as they thought advisable, and that your Lordship entirely approved the idea of giving a separate Constitutional position to Holstein.

I understand from his Excellency that it is his intention to act as soon as possible upon this advice; and when the plans of the Danish Government are matured he will communicate them to the four Powers.

In speaking of the arrangements for Schleswig, and of the desire of the Danish Government to have this part of the Monarchy guaranteed from encroachment, I expressed the hope that the concessions to be made would be as complete as possible, in order that the Powers might have no difficulty in declaring that in their opinion the Danish Government had fulfilled all its engagements or promises.

M. Hall replied that it was his opinion a Constitution of the most liberal character should be given to Schleswig, but that measures of detail and administration must be left to be worked out between the King and the Legislative Body of the Duchy.

I have, &c.

(Signed) A. PAGET.

No. 74.

Lord Bloomfield to Lord J. Russell.—(*Received June* 3.)

My Lord, *Vienna, May* 30, 1861.

I HAVE asked Count Rechberg whether it was the intention of the Imperial Government to support the plan of Federal Execution in the Duchy of Holstein, which it appeared was likely to be proposed at the Diet at Frankfort.

His Excellency replied that he was waiting to learn from Berlin what were the intentions of the Prussian Government, and that up to the present moment he knew nothing as to their opinions on the late Danish communication to the Diet, or on M. von der Pfordten's report thereon. He added that Austria would act entirely with Prussia; she would follow the course recommended at Berlin; and whatever was proposed there would be agreed to at Vienna.

Notwithstanding the turn which M. von der Pfordten has given to his late Report to the Diet on this affair, I may observe that Count Rechberg did not seem to apprehend that any immediate decision would be taken respecting an Execution, considering it still as a possible eventuality. His Excellency gave me, however, to understand that if the Diet ordered an Execution, he was of opinion that the troops to be selected for the service should be supplied from the armies of North Germany, and I believe that Bavaria an Wurtemberg are of the same opinion as the Imperial Government on this point.

I have, &c.

(Signed) BLOOMFIELD.

No. 75.

Lord A. Loftus to Lord J. Russell.—(*Received June* 3.)

My Lord, *Berlin, June* 1, 1861.

WITH reference to my despatch of the 25th ultimo, in which I reported to your Lordship the allusion made by Baron Schleinitz to a Circular despatch of M. Hall of the 22nd March last, as likely to offer a motive for suspending the Federal Execution, in case that the personal opinion therein expressed by M. Hall of a renunciation by Denmark of the Holstein quota for the common expenses for 1861 should assume an official form, and be formally conveyed to the Cabinets of Berlin and Vienna, or to the German Diet, I have now the honour to forward, for your Lordship's more convenient reference, a copy of M. Hall's despatch referred to.

In the event of all proposals failing, and in order to prevent the Diet recurring to a Federal Execution, as will inevitably be the case if no scheme is devised to arrest it, it appears to me that the Danish Cabinet might be induced, on the invitation of Her Majesty's Government, to repeat formally their readiness to renounce altogether the quota of Holstein, and to confine itself within the limits of the normal Budget, rather than (as M. Hall states) expose itself to a Federal Execution for an interest proportionably so small.

If this course could be taken by Denmark (and there is the same motive for it now as when M. Hall addressed the despatch in question), time would be gained, and there is reason to believe that a provisional state of things might be agreed to until circumstances should permit of a definite arrangement.

At all events, the urgent point in dispute is now the question of the current Budget, and if that point could be settled in the mode to which I have alluded, no further dispute on the subject of the Budget could arise until the 1st April, 1862. I see no other means of staving off a Federal Execution, which will inevitably be decreed by the Diet as the only course left for them to adopt, when the Report of M. von der Pfordten shall have been presented to that body.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 75.

Supplement to M. Hall's Circular Despatch to the Danish Missions of March 22, 1861.

[See Inclosure in No. 23.]

No. 76.

Mr. Grey to Lord J. Russell.—(*Received June* 4.)

My Lord, *Paris, June* 3, 1861.

M. THOUVENEL informed me to-day, in reply to a question which I put to him, that he intended to reply to your Lordship's despatch of the 8th ultimo, explanatory of the views of Her Majesty's Government on the Holstein question, in the course of a few days.

His Excellency said that, as he had anticipated, your Lordship's proposals had not met with a favourable reception at Copenhagen, and he expressed his own opinion that a different solution would have to be found. What that solution should be M. Thouvenel did not explain; and, indeed, I am inclined to believe that he has not by any means made up his own mind on the matter. He added, however, that as danger to the peace of Europe on account of the Holstein question appeared to have passed away for the present, more time could be given to its consideration, and to the discovery of the best means of setting it at rest for ever.

I have, &c.
(Signed) W. G. GREY.

No. 77.

Lord J. Russell to Mr. Paget.

(Extract) *Foreign Office, June* 8, 1861.

HER Majesty's Government entirely approve the language you held to M. Hall as recorded in your despatch of the 29th of May.

The Danish Government will do well to remedy all those grievances of which the German inhabitants of Schleswig can justly complain. You will find them fairly stated in the Report of Vice-Consul Rainals sent with your despatch of the 22nd of February last.

No. 78.

Lord J. Russell to Mr. Paget.

Sir, *Foreign Office, June* 8, 1861.

I BEG to call your attention to a despatch of Lord Augustus Loftus dated the 1st instant.

It is, as M. Hall says in his circular, so important to stave off the Federal Execution, and to afford time for further negotiation on the complicated subject of Holstein, that Her Majesty's Government are disposed to recommend to the Danish Government, either to make officially to the Diet the proposition inclosed in brackets in the copy I send you of M. Hall's supplement to his circular of the 22nd of March, 1861,* beginning "Je crois pourtant pouvoir vous dire," &c., and ending "proportionnellement si petit," or to authorize Her Majesty's Government to communicate this proposal to the Diet.

I am, &c.

(Signed) J. RUSSELL.

No. 79.

Lord J. Russell to Mr. Paget.

Sir, *Foreign Office, June* 12, 1861.

I HAVE to state to you that Her Majesty's Government would be inclined to propose to the German Confederation, in the name of the King of Denmark, that the Budget of Holstein, with the exception of the normal Budget, should be given up for this year in order to avoid a Federal Execution, provided that serious negotiations should be undertaken before the month of April 1862, with a view to the settlement of the European as well as the German question. I have accordingly to instruct you to ask the Danish Government if it would give its consent to such a proposal.

I am, &c.

(Signed) J. RUSSELL.

No. 80.

Lord J. Russell to Lord A. Loftus.

My Lord, *Foreign Office, June* 12, 1861.

COUNT BERNSTORFF came to me a few days ago on the subject of a suggestion which seems to have been thrown out by your Lordship in conversation with Baron Schleinitz.

The suggestion is in effect that Denmark should make a declaration in accordance with expressions contained in a circular of M. Hall conveying his own personal opinion. The King of Denmark would declare that he was ready to forego for the present year the quota of Holstein for the common expenses, reserving only the normal Budget.

By this means, said Count Bernstorff, a Federal Execution, which was the logical consequence of the present position of Denmark, but to which Great Britain was so much opposed, would be averted.

I asked whether the King of Denmark had not, in fact, yielded to the demands of

* See Inclosure in No. 23.

the Diet by his last proposal of a personal union between Denmark and the Duchy of Holstein. Count Bernstorff replied that the propositions of Denmark were for a final settlement of the whole matters in dispute between Germany and Denmark. That those matters were too complicated to be settled in so summary a manner. That a Provisorium was the only arrangement which could at present be contemplated. That an arrangement which should set aside for the moment the Federal Execution would give time for calm discussion, and open the way to a final settlement.

The last words of Count Bernstorff open the way for the acceptance by Her Majesty's Government of the suggestion in relation to the Holstein Budget. Her Majesty's Government would be reluctant to urge on Denmark a concession which would leave the question of fresh concessions in regard to Schleswig entirely open. I have accordingly spoken in the most guarded terms to M. Bille of the concession suggested by the Prussian Minister.

But if that proposition could be accompanied by an agreement that a Conference on the whole dispute should be held in the autumn, to be attended by the Representatives of Austria, France, Great Britain, Prussia, Russia, and Sweden, to which a Representative of Denmark should be invited, such a combined proposal might well be accepted by the King of Denmark as well as by the German Confederation.

You are desired to read this despatch to Baron Schleinitz, and to give him a copy of it.

I am, &c.
(Signed) J. RUSSELL.

No. 81.

Count Manderström to Count Platen.—(*Communicated to Lord J. Russell by Count Platen, June* 14.)

M. le Comte, *Stockholm, le* 29 *Mai*, 1861.

IL nous est connu que le Gouvernement Danois a fixé l'attention de celui de Sa Majesté Britannique sur la discussion qui a eu lieu dernièrement dans les Chambres Prussiennes à l'égard des relations entre le Danemarc et l'Allemagne, et surtout sur la manière dont M. le Ministre des Affaires Etrangères de Prusse s'est exprimé relativement aux prétendus droits de l'Allemagne de régler les conditions administratives du Duché de Slesvig. Le Gouvernement Danois ayant sans doute avec fermeté, quoiqu'avec modération, protesté contre ces prétentions injustifiables, je n'ai donc point à entrer dans le fond de la question, examiné d'ailleurs bien des fois dans des communications faites d'ici à la Mission du Roi à Londres pendant le cours de plus de quatorze ans qu'a duré cette divergence entre le Danemarc et la Confédération Germanique. Il me suffit donc de constater ici, et de vous engager, M. le Comte, à bien clairement expliquer au Gouvernement Britannique que les opinions et les sentiments du Roi Charles XV à l'égard de cette affaire sont toujours les mêmes que ceux qu'avait manifestés son père, et que Sa Majesté est décidé à suivre la politique que lui a tracée son auguste prédécesseur. Je dois donc par ordre spécial du Roi vous inviter, M. le Comte, à appuyer chaudement auprès du Gouvernement de Sa Majesté Britannique toute démarche du Cabinet du Copenhague faite dans le but de s'affranchir des empiètements et des projets d'agrandissement de la part des Puissances Allemandes Confédérées. Pour guider votre langage à cet égard, je n'ai qu'à me référer à ma dépêche du Octobre, 1858. La situation est toujours à peu près la même, seulement elle s'est aggravée encore par les prétentions ouvertement proclamées de la Prusse et de l'Allemagne sur le Slesvig.

Je ne puis que vous répéter ce que je disais alors. Le Duché est, et doit être considéré comme absolument en dehors de la compétence de la Confédération Germanique. Toute immixtion en ce qui concerne les affaires intérieures de ce Duché constitue, à notre avis, une intervention induc d'une Puissance étrangère, contraire non seulement aux droits des gens, mais aussi aux intérêts les plus sacrés du Nord de l'Europe. Nous ne saurions admettre plus que nous ne l'avons fait dès l'origine de ce dissentiment, une guerre de conquête de la part de l'Allemagne, et nous sommes toujours fondés à croire que la Grande Bretagne ne regarderait point une pareille éventualité d'un œil indifférent. Le maintien de l'intégrité de la Monarchie Danoise, garantie par les plus grandes Puissances de l'Europe, et formant l'un des principaux éléments de l'équilibre Européen, ne saurait être mis en jeu sans que nous en soyons vivement et sensiblement affectés.

Je vous ai déjà indiqué les déterminations sérieuses qu'une pareille éventualité

pourrait nous inspirer. Loin de la désirer, nous faisons les vœux les plus sincères pour qu'elle puisse être ecarté, et que nos bonnes relations avec l'Allemagne puissent être maintenues. Afin de parvenir à ce résultat si éminemnent désirable, nous croyons devoir faire encore une fois un appel au Gouvernement de Sa Majesté Britannique, dans le but de fixer son attention sur l'opportunité et même l'urgence de chercher à éloigner les dangers qui menaçent de nouveau le Nord, en usant de son influence sur les Puissances concernées, et en premier lieu sur la Prusse, pour l'engager à ne point persévérer dans une voie qui ne pourrait que devenir funeste. Je vous prie, M. le Comte, de vouloir bien vous en ouvrir à Lord John Russell en lui exprimant les sérieuses appréhensions du Gouvernement du Roi, auxquelles nous nous flattons que le Gouvernement Britannique ne sera point insensible. Vous pouvez d'ailleurs offrir l'assurance qu'en même tems nous ne cessons de conseiller au Gouvernement Danois d'user la plus grande modération; nous avons lieu de penser qu'il est occupé à élaborer un projet, lequel, il faut l'espérer, pourra concilier les intérêts divers, et gagner des sympathies dans les différentes provinces de la Monarchie.

Agréez, &c.
(Signé) MANDERSTRÖM.

(Translation.)

M. le Comte, *Stockholm, May* 29, 1861.

WE are informed that the Danish Government has called the attention of Her Majesty's Government to the discussion which has lately taken place in the Prussian Chambers relative to the relations between Denmark and Germany, and especially relative to the manner in which the Prussian Minister for Foreign Affairs has expressed himself as to the pretended rights of Germany to manage the administrative affairs of the Duchy of Schleswig. The Danish Government having protested in moderate language, but with unmistakeable firmness, against these unjustifiable pretensions, it is not incumbent on me to enter into the whole of the question, which has besides been discussed many times in the communications addressed to His Majesty's Minister at London during the course of the last fourteen years, the period which this difference between Denmark and the Germanic Confederation has lasted. It is sufficient, therefore, for me to state to you, and to instruct you, M. le Comte, to explain clearly to the British Government that the opinions and sentiments of the King Charles XV on this question continue to be identical with those held by his father, and that His Majesty is determined to pursue the policy indicated to him by his august predecessor. I have, then, by special order of the King, to request you, M. le Comte, warmly to support, with the Government of Her Britannic Majesty, every step taken by the Cabinet of Copenhagen having for its object to free itself from the entanglements and projects of aggrandizement on the part of the German Confederate Powers. To guide you in the language you are to hold in this matter, I have only to refer to my despatch of the October, 1858. The situation is still nearly the same, except that it has been aggravated by the pretensions in regard to Schleswig, openly proclaimed by Prussia and Germany.

I can only repeat what I then said. The Duchy is and ought to be considered as entirely beyond the competence of the Germanic Confederation. Every interference in the internal affairs of this Duchy constitutes, in our opinion, an improper interference from a foreign Power, contrary not only to the law of nations, but also to the most sacred interests of the North of Europe. We are not able to contemplate the possibility of a war of conquest on the part of Germany, any more than we have ever contemplated the possibility of such a war since the commencement of the negotiations; and we rely on the belief that Great Britain would not look upon such an eventuality with indifference. The maintenance of the integrity of the Danish Monarchy, guaranteed by the greatest Powers of Europe, and forming, as it does, one of the principal elements of the balance of power in Europe, cannot be placed at stake without affecting us strongly and deeply.

I have already pointed out to you the serious determinations which such an issue might induce us to take. Far from wishing that it may arise, we pray most sincerely that such an eventuality may not occur, and that our good relations with Germany may be maintained. To arrive at this result so eminently desirable, we feel bound to make a further appeal to the Government of Her Britannic Majesty, in the hope of drawing their attention to the expediency and even the urgency of endeavouring to avert the dangers which again threaten the North, by using her influence with the Powers concerned; and in the first instance with Prussia, to induce her not to persevere in a course which can only terminate fatally. I beg you, M. le Comte, to communicate freely with Lord Russell, and to express to him the serious apprehensions entertained by the

Government of the King, to which we flatter ourselves the British Government will not be insensible. You may, in addition, offer him the assurance that at the same time we do not cease from advising the Danish Government to employ the greatest moderation. We have reason to suppose that it is occupied in preparing a project which it is hoped may conciliate the various interests, and gain the sympathies of the different Provinces of the Monarchy.

Receive, &c.
(Signed) MANDERSTRÖM.

No. 82.

Lord A. Loftus to Lord J. Russell.—(*Received June* 17.)

(Extract.) *Berlin, June* 15, 1861.

I HAD an interview, this morning, with Baron Schleinitz, when I read to him, and left in his hands, a copy of your Lordship's despatch of the 12th instant, with reference to the suggestion which had been put forth with a view to suspend the Military Federal Execution threatened in Holstein.

Baron Schleinitz stated that he had not yet had time to refer this important subject to the King, and he must reserve his opinion until he had further time to reflect over the proposal contained in your Lordship's despatch, and to consult with his German confederates. He might, however, state his opinion, as far as regarded Prussia, that, if a declaration of the nature stated in your Lordship's despatch should be made by Denmark, Prussia would be ready to consider that declaration as satisfactory, and to propose that negotiations should be renewed between Germany and Denmark.

His Excellency stated that the Diet would, in such a case, be prepared to lay down a certain basis as to what Germany may consider requisite for the future relations between Denmark and Holstein, and to enter into negotiations with Denmark respecting them. Perhaps, said his Excellency, this course might lead to a satisfactory arrangement, as hitherto Denmark has not submitted any really definite plan to replace the Constitution abrogated in 1858.

I replied to his Excellency that it was not reasonable to expect that Denmark would be disposed to make a great concession which would only produce a transitory result, and would not prevent a demand of future concession at a later period. Consequently, Denmark would probably only agree to the conciliatory course suggested, if it should offer to her the means of arriving at a general and final arrangement of the question in dispute, and thus close the door to all further demands on the part of the Diet.

I begged his Excellency to weigh well the grave consequences that may result from a war begun on the Eider, and the grave responsibility which Prussia will incur if she should reject any proposal by which these difficulties may be pacifically settled to the satisfaction of all parties.

I observed to him, that in this question we regarded Prussia as taking the lead, and that with the honour of the position she held was likewise combined all the responsibility of the future course to be taken.

Baron Schleinitz replied, that there was no desire on the part of Germany to provoke a war; that so grave a responsibility would rest with Denmark, if she chose to construe a Federal act of a purely legal character into a *casus belli*.

His Excellency expressed himself as sincerely desirous of co-operating with us to avert from Europe any risk of disturbing the general peace; but he considered that, to attain this end, we might usefully exert our influence at Copenhagen to counsel compliance with the Federal demands, which, in fact, merely required the fulfilment by Denmark of engagements previously taken by her towards Germany.

Baron Schleinitz, without expressing any decided opposition to the idea of a Conference, evidently entertained doubts as to whether it would be acceptable to the Germanic Body.

His Excellency observed, that Conferences on this question would recall to Germany the Protocol and Treaty of 1852, which had been so ill received and viewed in Germany. A fresh Conference in London would be regarded as a continuation of these Conferences, and they would not, therefore, be looked upon with confidence by the German States.

Again, his Excellency observed that it would he necessary, before agreeing to a C onference, to know the basis upon which the Powers were to treat.

His Excellency, however, begged me to inform your Lordship that the proposal

contained in your Lordship's despatch should be taken into due consideration, but that he could do no more at present than state that, if the Danish Government would make the declaration referred to, Prussia would be willing to propose that the question of the Execution should be allowed to drop, and that the Diet should express itself ready to renew negotiations with Denmark.

With respect to the form of making this declaration, Baron Schleinitz considered that it could not be made through any foreign Government without implying thereby a right, on the part of a foreign Power, to interfere in the internal affairs of Germany. He thought that the most advisable and ordinary course would be, that Denmark should make the declaration to the Diet as a supplement to her last declaration, and that it should be represented as a proof of a conciliatory disposition on the part of Denmark, and of a wish to meet, as far as she could, the demands of the Confederation; or Denmark, said his Excellency, might make this declaration to Austria and Prussia, in an official form, which could be submitted by them to the Diet, and thus enable them to propose the suspension of the Military Execution; but he considered as inadmissible the communication of this declaration either to the Diet, or to the two Great German, through the medium of a foreign Power.

No. 83.

Lord A. Loftus to Lord J. Russell.—(Received June 17.)

(Extract.) *Berlin, June* 15, 1861.

I HAVE some reason to believe that, should the Military Execution be pronounced by the Diet, and should it actually be enforced, it will be effected in the first instance by merely deputing a Commission to repair to Holstein, unaccompanied by any military force, or at least with only such a force (perhaps fifty men) as would indicate the carrying out of the Federal Decree, without displaying unnecessarily the application of coercive measures.

Although, therefore, the Decree of the Diet ordering an Execution may, in case of continued resistance on the part of Denmark, be pronounced within the space of a few weeks, the Military Execution itself may be delayed for some time.

But it is essential to avert, if possible, any Decree of the Diet for an Execution, as it would bear the character of a menace towards Denmark, and render it even less easy than now for the Danish Ministry to make any concessions towards Germany, with a view to an amicable and final adjustment of this complicated and long-pending question.

No. 84.

Mr. Grey to Lord J. Russell.—(Received June 18.)

(Extract.) *Paris, June* 17, 1861.

I SPOKE to M. Thouvenel a few days ago on the subject of the proposition confidentially made in the supplement to M. Hall's circular despatch of the 22nd of March, to which your Lordship called Mr. Paget's attention in your despatch of the 8th June. I said to M. Thouvenel that that proposition was considered likely to afford a basis for negotiation, and that Her Majesty's Government were disposed to recommend the Danish Government to give effect to it.

His Excellency informed me to-day, that being anxious to hold the same language at Copenhagen as your Lordship, he had written to instruct M. Dotézac to recommend the Danish Government to act officially on M. Hall's proposition.

No. 85.

Lord J. Russell to Mr. Paget.

Sir, *Foreign Office, June* 19, 1861.

WITH reference to my despatch of the 12th instant, I have to inform you that Her Majesty's Government have reason to hope that if the Danish Government will give an assurance that they will declare to the Diet at Frankfort that Denmark is ready to forego the Supplementary Budget of Holstein for the years 1861–62, the threatened Federal

Execution will not take place, and serious negotiations will be entered into between Germany and Denmark; and that if these negotiations should fail, recourse would be had to an European mediation.

I have to instruct you to inquire whether the Danish Government will pursue this course. It seems to Her Majesty's Government the most certain way of avoiding the Federal Execution.

I am, &c.
(Signed) J. RUSSELL.

No. 86.

Lord J. Russell to Lord A. Loftus.

My Lord, *Foreign Office, June* 19, 1861.

I HAVE to instruct your Lordship to ask Baron Schleinitz, supposing the Danish Government not to comply with the requisitions of the Diet, and Federal Execution to be ordered, on what Article of the Act of Confederation that Execution would be based.

I am, &c.
(Signed) J. RUSSELL.

No. 87.

Lord J. Russell to Lord A. Loftus.

My Lord, *Foreign Office, June* 19, 1861.

I HAVE received and laid before the Queen your Lordship's despatch of the 15th instant, reporting a conversation you had held with Baron Schleinitz on the subject of the Schleswig-Holstein question.

If I understand rightly the language of Baron Schleinitz, his proposal is that Her Majesty's Government should recommend to Denmark to submit to all the demands of the Diet, whatever they may be.

Now it is obvious that Her Majesty's Government could not do this without having some security that those demands should not prove incompatible with the independence and integrity of Denmark.

Baron Schleinitz would strongly object if Great Britain were to interfere with the German Confederation in favour of Denmark. But as little can they interfere, unless by way of negotiation, in favour of the German Confederation as against Denmark. They wish to pronounce no opinion one way or the other.

The Prussian Government observe that Germany is dissatisfied with the Treaty of 1852. That Treaty recognizes the independence and integrity of Denmark, and if Germany objects to the Treaty on that account, Great Britain cannot hope to agree with Germany.

Her Majesty's Government have advised the Danish Government to forego the Supplementary Budget of 1861-62, but only in the hope that real negotiations may be entered into by Prussia.

I am, &c.
(Signed) J. RUSSELL.

No. 88.

Lord J. Russell to Lord A. Loftus.

(Extract.) *Foreign Office, June* 20, 1861.

IN the Speech of the King of Prussia, on closing the session of the Legislative Chambers, I find the following paragraphs:—

"The Danish Government have not entirely satisfied the demands of the Diet. Also the offers which that Government afterwards made, do not yet afford a sure prospect of a solution of the affairs now pending at the Diet of the United German Duchies under the sceptre of the King of Denmark. But the nature of our relations to the Great

Powers of Europe affords a sufficient guarantee that they will not be disturbed by severe measures which may be necessary within the limits of the German territory."

In these paragraphs there appears some misapprehension as to the position of one, at least, of the Great Powers of Europe.

Her Majesty's Government have never disputed the right of the German Confederation to interpret its own Constitution upon German territory. But in speaking of Federal Execution in Holstein, I have never failed to point out these obvious dangers:—

1. That Denmark may contest by arms the occupation of Holstein by German Federal troops, and thus a state of war might arise between Germany and Denmark, of which it would be almost impossible to define the limits.

2. That a disputed frontier might cause border skirmishes, and thus lead to actual war.

3. That some chance collision between excited and embittered parties might extend the scope of the contest, and change it from a question concerning German territory, which affects Germany chiefly, into a question concerning "the maintenance of the integrity of the Danish Monarchy," which, "as connected with the general interests of the balance of power in Europe," is declared, in the Treaty of London of the 8th of May, 1852, to be "of high importance to the preservation of peace."

Great Britain, as one of the Great Powers of Europe, could not fail to be "disturbed" by such results.

But further: it is notorious that the public mind of Germany has been roused and inflamed by a view of the question of the German Duchies going far beyond the claims of the Diet of Frankfort. That view contemplates the re-annexation of Schleswig to Holstein, and the incorporation of Schleswig, as well as Holstein, in German territory.

The parties who favour this view are closely connected with the "active party of disorder in Europe," of which the King of Prussia speaks in a subsequent part of his Speech. That active party is eager to promote changes in Germany, which, whether desirable or not in themselves, can only be brought about by civil war and revolution.

It appears to Her Majesty's Government that it would be highly imprudent in the King of Prussia, whose loyal sentiments towards Germany and its Princes are so well known, to enter upon a conflict which is but too likely to blow into a flame the embers of discord, and add fresh fuel to the inflammable materials now spread over Europe.

For these reasons Her Majesty's Government are desirous, nay, anxious, that the Federal Execution should not take place at present, and that the interval of the summer and autumn should be employed in seeking for the pacific solution of a question which to-day is German, but which to-morrow may be European; which to-day may be discussed with calm, but which to-morrow may have no issue save that of the arbitrement of arms.

No. 89.

Baron Schleinitz to Count Bernstorff.—(Communicated to Lord J. Russell by Count Bernstorff, June 22.)

(Translation.) *Berlin, June 19, 1861.*

I HAVE the honour to transmit to your Excellency inclosed copy of a despatch from Lord John Russell of the 12th instant, communicated to us by the British Minister.

The subject of the present note is the proposition made upon the Holstein question, through Lord A. Loftus. In the meantime this proposition, and our entire position in respect thereto, receives in this despatch such an altered character that, first of all, it appears to me to be necessary to set the matter in a right light by a short recapitulation of the true circumstances.

At the time of the last assembling of the States at Itzehoe, the Minister Hall, in his well-known circular despatch of the 22nd of March last, had stated that in his opinion the Government, in order to avert the dangers of a Federal Execution, would prefer, in case the assent of the State to the Budget of the current financial year for the common expenses of the Monarchy should not be received, to content itself with the items of the normal Budget.

Lord A. Loftus spoke to me of this statement. In a visit made to me in the beginning of the present month he asked me whether, if a similar declaration were now accepted on the part of the Danish Government, a means might not be found in it to avert the immediately impending action of the Execution.

As we know, Count, the Confederation had already, in August 1858, resolved, through an Execution, to hold the Danish Government to a final restoration of a Constitution to the German Duchies of Holstein and Lauenburg, such as should correspond with the assurances which had been given with most forbearing consideration for the difficulty of the situation; it delayed this step subsequently, but under the express condition that no law should be emitted for common affairs in the said Duchies unless it should be assented to by the States, and as the Danish Government hesitated to give its assent to this condition, a categorically fixed term was stated at last by the Federal Resolution of the 7th February, 1861, within which it should expressly declare whether or not it would submit to that condition; that otherwise an Execution would take place. This term has long been past; the declaration has not been made. It appears, therefore, doubtless, as a matter of course, that the Confederation must proceed to Execution.

On the other hand, it is yet feasible to issue ("octroyer") a Budget for the financial period ending the 1st April, 1862, the only Legislative measure adopted by the Danish Government which would redeem the conditions laid down by the Confederation for the provisional condition (Provisorium). Should the Government then, as Lord A. Loftus intimated to me, really recede, by a declaration, from the issue of a Budget, and, by that means, from the only step which is hitherto the violation of the Provisorium, then the Confederation might assume that such Legislative Acts, without the assent of the States, were not intended; and it certainly might, with a view to an amicable understanding, turn away for the moment, without material injury, from the necessity of intervening by an Execution, and the matter might then be once more drawn back to the province of peaceful negotiation. After the unsuccessful close of repeated attempts at an understanding between the Government and the States, it is now requisite to determine on measures with the Government on the part of the Confederation.

It was from this point of view that I answered Lord A. Loftus.

I showed him that we, on our part, were not called on to take any initiative in the matter; but that if the Danish Government should make the corresponding declaration, the Confederation, in our opinion, might well act in the manner I have intimated, and that we would, therefore, express ourselves at Frankfort in that sense, and that we had no doubt of the assent of our fellow confederates.

Lord A. Loftus hereupon confidentially communicated to me that he had made his report to London in harmony with the above, and had advocated to his Court an influence upon the Copenhagen Cabinet in that direction. At the same time he requested me to make our conversation confidentially known to your Excellency, and thereby to enable you to express yourself in a corresponding manner to Lord John Russell.

This I then did at once; and I see with satisfaction from your Excellency's report of the 12th instant, how exactly you have proceeded in speaking of this matter with Her Britannic Majesty's First Secretary of State.

First of all, the question is not, as we might suppose from the despatch of Lord John Russell, that of a proposition or motion to be made by us. It is rather that we have, on the question being put to us, expressed our readiness to come forward to meet a step which might be taken for the purpose of avoiding an immediate conflict. The question, moreover, for us is decidedly not that of obtaining an essential concession, a concession which might justify the expression of Lord John Russell, that the British Government was reluctant to compel Denmark to a concession which should leave open the question of fresh concessions.

In the renunciation of Denmark to any surplus beyond the normal Budget of the current year, it is but an inconsiderable amount which is concerned. And in fact, as it is not to be assumed that the States would refuse this whole surplus, the question is only that of a temporary privation, until an understanding should be come to with the States. As a matter of fact, this concession is a very trifling one; its only significance is that of a principle, inasmuch as the Government renounces the making of expenditure without the consent of the States. There is no especial advantage to the Confederation in this concession being made spontaneously. For whatever difficulties might oppose a definitive settlement of all the Constitutional differences, the Confederation may at once, within the limits of an executive action confined wholly to the affairs of Holstein, completely secure that which it has demanded as a Provisorium for Holstein, namely, that no legistive measures should be adopted without the consent of the States, and therefore that no Budget should be issued.

The proposition of Lord A Loftus is thus rather suited to the interests of the Danish Government, and still more to the wishes of the English Government, which is anxious to avert an Execution, than to the interest of the Confederation, which by this would be rather departing from its strict right.

We could not, on our side, assume under such circumstances that the Confederation would, as proposed by Lord John Russell, feel itself induced to resign the management of this affair, and to bring to the decision of a European Conference a matter which, without any doubt, and by general admission, is an internal Federative affair, the determination of the Constitutional relations of the Duchy of Holstein.

In fact, one can see no grounds to justify the wish of Lord John Russell, to take away from the Confederation the discussion of this matter. If the immediate carrying out of the Execution be averted by the Declaration of Denmark; if thereby the possibility were afforded of a further peaceful discussion between the Confederation and the Danish Government, which has not hitherto been had, then, in the first place, it would be easy to wait for the close of the discussion without apprehension of any disadvantage to Denmark.

What determines Lord John Russell to the wish for a European Conference, as your Excellency's report of the 12th instant of the conversation with that Minister more particularly specifies, is a consideration of the Schleswig question.

The Confederation, he apprehends, will make the claims of Holstein available in reference to its relations with Schleswig; but, in fact, the Schleswig question is a European question, and Europe has an interest and a right to intervene therein, in order to maintain intact the integrity of the Danish Monarchy and the peace of Europe.

I may observe, above all, that the discussions now going on in the Confederation turn exclusively upon the Constitutional relations of the German Duchies. There could be nothing that could justify a European intervention in those discussions under any circumstances.

But now as to what claims the Confederation might in the Representation of Holstein make available in reference to Schleswig, as to whether or not it might come to an understanding thereupon, in what way it might eventually find itself moved to act for it, this might before everything be waited for before making a question of European intervention. It is even possible that circumstances might take such a turn that the assembling of a European Conference would appear desirable, even of itself desirable. But one should not begin with Conferences before the difference is proved.

Your Excellency, very properly, has already brought forward the argument against Lord John Russell, that in the Schleswig question generally, the sole point is the internal constitutionally reciprocal relations between Holstein and Schleswig within the whole Monarchy, and thus there can be no question of any menace to the integrity of the Monarchy.

From all this we cannot find that the proposal for a European Conference just now has any grounds in the position of the affair. On the contrary, the definitive settlement of the constitutional relations of Holstein must, after as well as before, remain reserved for the care of the Confederation.

Yet we very readily, even now, repeat our declaration that, if the Danish Government should make a declaration in the sense of the proposition of Lord A. Loftus, we would, on our part, act upon the Confederation to the effect that it might still delay the Execution, and time would thereby be gained for a peaceful discussion between Denmark and the Confederation.

If England were inclined to recommend such an expedient in Copenhagen, the step to be taken by the Danish Government would be greatly facilitated, if it were made before the motion for Execution be brought before the Federal Assembly. But the deliberations in Frankfort cannot much longer be delayed, and, therefore, it would be necessary to hasten the application in Copenhagen.

The Declaration of the Danish Government might be something to this effect:—

That as the determination of the Budget has not yet been practicable, and the financial year has been for a long time running on, the Danish Government would, for the present financial year (until the assent of the States), give up the quota of Holstein to the Extraordinarium.

And to this the observation should be added:—

That since the Federal Resolution of the 7th February, 1861, general laws for Holstein are not to be made, and even are not intended, so that the demand made by that Resolution is actually granted.

If the Danish Government should feel any especial repugnance to make such a Declaration directly in Frankfort, it might adopt the expedient of addressing the same to the two great German Powers.

We are convinced that the Court of Vienna would have no objection, jointly with us, to lay this incidental point before the Confederation, and to advocate the staying of the Execution, and the recommencement of further discussions.

I request your Excellency to be pleased to express yourself to Lord John Russell in accordance herewith, and to give him a copy of this despatch.

(Signed) SCHLEINITZ.

No. 90.

Mr. Paget to Lord J. Russell.—(*Received June* 24.)

My Lord, *Copenhagen, June* 15, 1861.

I EXECUTED the instructions contained in your Lordship's despatch of the 12th instant, and it now remains for me to give your Lordship an account of the interview in which I made known to the Danish Minister for Foreign Affairs the propositions of Her Majesty's Government.

On my communicating to M. Hall the substance of your Lordship's despatch, his Excellency immediately alluded to the despatch which he had addressed to the Danish Ministers at the Great Courts on the 22nd of March last, in which the possible abandonment by the Danish Government of part of the supplementary Budget for Holstein is alluded to, but to the phrase relating to which an erroneous and too exclusive a meaning had, his Excellency said, been attached; and M. Hall requested that I would call your Lordship's particular attention to his explanations on the subject.

His Excellency said he would not dwell on the confidential nature of that despatch, since he had subsequently been compelled to publish it; nor would he attempt to take any advantage of the merely personal opinion which he therein expressed of the sacrifice which the Government might be disposed to make, as he was aware that an opinion expressed by the President of the Council on such a subject, and in such a manner, could not be divested of its legitimate value and consequences. But the words of the despatch had, he said, been misconstrued. What was stated in it was, not that the whole of the supplementary Budget for Holstein would be sacrificed by the Danish Government, for he said he never even contemplated that the Holstein States would carry their exactions to such an extreme point, but that if, in the course of discussion, the States had objected to any particular item in the supplementary Budget, the Government would have been prepared to accept whatever reduction was made, even should it have entailed, for that particular item, a renunciation of everything except the normal Budget. "But," added his Excellency, "I do not mean to say that even supposing the extreme case of the States having rejected the whole of the supplementary Budget for this year, and making our sanction of their vote the condition on which they would accept our other proposals, we would not have been prepared to do so in order to arrive at an end of all discussion, and thus terminate the question. What we want," continued M. Hall, "is a definitive solution, and if we could have obtained it by the sacrifice of 400,000 or 500,000 dollars, the difference between the supplementary and the normal Budget, it would have been quite unreasonable not to have made it, considering that we are now spending millions in the preparations we are compelled to make. But as the Holstein States did not think fit to enter into a discussion of the Budget at all, the case is entirely changed."

With reference to the proposal I had now come to make on the part of Her Majesty's Government, I drew M. Hall's attention to the fact, that the Danish Government was only invited to give up the Holstein Budget for this year on two conditions, the first of which was, that the Execution should not take place; and the second, that serious negotiations should be undertaken before next April, with a view to the settlement of the European as well as the German Question. I said, therefore, I thought the proposal was one which was favourable to the object of the Danish Government, namely, a complete settlement of the question, and was, therefore, well worthy their serious consideration. M. Hall replied, that certainly if the only effect to be produced by any new concession was to put off to some future period, which might be more convenient for Germany and less so for Denmark, the carrying out of the Federal Execution, he should oppose any such concession. What the Danish Government required, M. Hall again said, was a definitive result, and that not before the month of April, 1862, but before the meeting of the Risgraad in October next. His Excellency observed, that it was most desirable that this Assembly should be convoked as soon as possible, to vote the ways and means for meeting the extraordinary expenses to which the Government had been put; that it would have been convoked already, but that it was thought unadvisable to do so in the present uncertain state of affairs with the Confederation. It was necessary, however, according to the terms of the common Constitution, that the Risgraad should meet next October, and it was indispensable, even for the existence of the Ministry, that they should be able then

to state positively on what footing their relations with the Diet stood. If by the sacrifice now demanded a satisfactory solution could be obtained by that time he thought it might be made, though his Excellency begged me distinctly to understand that he could not pledge himself to anything until he had consulted his colleagues, who were now dispersed, and would not be re-assembled till next week.

In the course of his observations M. Hall admitted that his reports led him to believe there was a desire on the part of Germany not to push matters further at present, and he also acknowledged that, in spite of this desire, it was impossible for the Confederation, in presence of the Resolution of the Diet of the 7th of February last, not to proceed with ulterior measures, unless some satisfaction was given to its demands.

I availed myself of these admissions to urge upon his Excellency the adoption of the course now suggested by Her Majesty's Government, but in order to abbreviate this despatch, and for your Lordship's more complete information of the train of argument I made use of, I have the honour to transmit herewith a copy of a confidential letter which I addressed to M. Hall the day after our interview, and which I trust may meet with your Lordship's approbation.

I have only to add that, having, previous to my interview with M. Hall, seen my Prussian colleague, who, from information he had received from his own Government, had anticipated my being furnished with instructions of the nature I was about to execute, and had requested me to call upon him, I informed his Excellency, as the upshot of the conversation which had taken place between M. de Balan and myself, that the concession now proposed by Her Majesty's Government was the only one which could prevent the Federal Execution, and that, if it was made, M. de Balan was of opinion that it would be deemed satisfactory by the Diet.

After my return from M. Hall, M. de Balan called upon me, and I imparted to him the general tenour of the conversation I had had with his Excellency. I added my belief (which I think I may, without fear of events contradicting me, repeat to your Lordship) that, in order to obtain a definitive solution, the Danish Government is prepared to make considerable sacrifices; but for the simple purpose of postponing the Execution, or for any temporary arrangement, they will make none.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 90.

Mr. Paget to M. Hall.

Mon cher Ministre, *Droningaard, le* 14 *Juin,* 1861.

PLUS je pense à la proposition que je vous ai faite hier de la part de mon Gouvernement plus je me livre à l'espoir qu'elle recevra un accueil favorable de la part du Cabinet Danois. Je n'ai pas pu vous en laisser copie, mais il vous sera sans doute agréable d'en avoir la substance par écrit, pour vous servir d'aide-mémoire dans vos entretiens avec vos collègues. Elle se résume donc comme suit. Le Gouvernement Danois veut-il autoriser le Gouvernement de Sa Majesté Britannique à déclarer en son nom à la Confédération Germanique qu'il renoncera pour cette année au Budget Supplémentaire pour le Holstein afin d'éviter l'Exécution Fédérale, pourvu que des négociations sérieuses s'engagent d'ici au mois d'Avril 1862 pour l'arrangement de la question Européenne aussi bien qu'Allemande? Permettez-moi maintenant de revenir un peu sur notre conversation d'hier, de répéter de nouveau et de compléter les arguments dont je me suis servis.

Vous remarquerez, comme je vous l'ai dit hier, qu'en renonçant au Budget Supplémentaire vous le ne ferez que sous deux conditions:—

1. Que de l'autre côté on renonce à l'Exécution;
2. Que des négociations sérieuses s'engagent pour le réglement de vos affaires.

Vous répondez que si le seul effet de la concession du Budget doit être de remettre à une autre époque l'Exécution Fédérale vous ne le ferez certainement pas; que ce qu'il vous faut est un arrangement définitif, et cela avant la réunion du Rigsraad au mois d'Octobre, devant lequel vous ne pouvez plus vous présenter avec la question indécise. Je comprends ce raisonnement et je ne veux point contester la valeur des motifs sur lesquels il est fondé. Mais comment arriver à cet arrangement définitif? Evidemment il n'y a qu'un seul moyen—celui des négociations que l'on vous offre. Naturellement il est impossible de répondre d'avance du résultat de ces négociations, mais si elles s'engagent d'une manière sérieuse de part et d'autre il n'est pas permis de douter qu'elles

n'arrivent à bon port. Comme nous disions hier il est presque certain que la Confédération, la Prusse en tête, serait bien aise de n'être pas obligée de pousser les choses plus loin, mais il y a là l'Arrêté Fédéral dont elle ne peut pas changer les conséquences à moins que du côté du Danemarc on ne fait un pas qui l'y autorise, et qui lui ouvre une porte par laquelle elle peut reculer de la position qu'elle occupe actuellement. En renonçant au Budget Supplémentaire pour cette année ce pas est accompli. Financièrement parlant vous n'y tenez pas beaucoup, et comme vous le dites vous-même, si c'était là le seul obstacle à un arrangement définitif il serait déraisonnable de ne pas en faire le sacrifice. Il ne m'est pas clair que nous ne soyons pas arrivés au moment où il est le seul obstacle à ce résultat désirable, car si vous ne voulez pas l'abandonner, il est hors de doute que l'Allemagne ne peut et ne veut pas négocier, tandis que si vous y renoncez des négociations seront établies qui ameneront, nous avons tout lieu de l'espérer, une solution finale et satisfaisante.

Réfléchissez y bien, mon cher Ministre; le moment est favorable, plus favorable peut-être qu'il ne le sera jamais. Il y a un intérêt général dans vos affaires actuellement, et tout le monde est disposé à la conciliation. Les événements se suivent rapidement de nos jours. Qui pourra répondre de la durée des sentiments sus-indiqués, ou qu'une complication quelconque n'arrivera pas en Europe pour attirer l'attention vers un autre côté ? Saisissez donc cette occasion ; vous donnerez par là une preuve de votre désir de faire tout ce qui dépend de vous pour faciliter la voie à une entente que l'on ne manquera pas d'apprécier, et vous mettrez l'Allemagne dans l'impossibilité de faire péser sur vous la responsabilité de ce qui pourrait arriver dans le cas de votre refus à entretenir la proposition que, d'ordre de mon Gouvernement, je vous ai soumise.

Adieu, &c.

(Signé) A. PAGET.

(Translation.)

My dear Minister, *Droningaard, June* 14, 1861.

THE more I think of the proposal which I made to you yesterday, on the part of my Government, the more I hope that it will meet with a favourable reception from the Danish Cabinet. I have not been able to leave you a copy of it, but it will no doubt be convenient for you to have the substance of it in writing to serve as a memorandum for you in your interviews with your colleagues. It may, then, be summed up as follows:—

Will the Danish Government authorise Her Britannic Majesty's Government to declare in their name to the German Confederation that they will give up the Supplementary Budget of Holstein for this year, in order to avoid Federal Execution, provided that serious negotiations are undertaken between now and the month of April, 1862, for the settlement of the European as well as of the German question? Permit me now to recur for a moment to our conversation of yesterday, to repeat anew, and to complete the arguments which I employed.

You will remark, as I observed to you yesterday, that, in giving up the Supplementary Budget, you will be doing so on two conditions:—

1. That, on the other side, the Execution should be given up,

2. That serious negotiations should be undertaken for the settlement of your affairs.

You reply, that if the only effect of giving up the Budget is to be to put off Federal Execution to some other time, you certainly will not do it. What you want is a definitive arrangement, and that before the meeting of the Rigsraad in the month of October, before which you cannot again appear with the question undecided, I understand this argument, and I do not wish to dispute the validity of the reasons on which it is founded. But how arrive at this definitive settlement? Evidently there is only one expedient, that of the negotiations which are offered you. Naturally, it is impossible to answer beforehand for the result of these negotiations; but if they are undertaken in a serious manner on both sides, there is no reason to doubt that they will arrive at a satisfactory conclusion. As we were saying yesterday, it is almost certain that the Confederation, with Prussia at its head, would be very glad not to be obliged to push matters further; but there exists the Federal Resolution, the consequences of which it cannot change, unless some step is taken on the part of Denmark which authorises it to do so, and which opens for it a door by which it may recede from the position which it at present occupies. By giving up the Supplementary Budget for this year, this step is accomplished. Financially speaking, you lay no great stress upon it; and, as you yourself say, if that was the only obstacle to a definitive settlement, it would be unreasonable not to sacrifice it. It is not clear to me, that we have not arrived at the moment when it is the only obstacle to this desirable result; for, if you will not abandon

it, there is no doubt that Germany cannot and will not negotiate; whilst if you give it up, negotiations will be undertaken which, we have every reason to hope, will lead to a final and satisfactory solution.

Reflect thoroughly on the subject, my dear Minister, the moment is favourable, more favourable, perhaps, than it will ever be. There is at present a general interest in your affairs, and everybody is disposed to conciliation. Events follow rapidly in our days. Who can answer for the permanence of the above-mentioned feelings, or that some complication will not occur in Europe to attract attention in another direction? Seize, then, this opportunity; you will thereby give a proof of your desire to do all that depends on you to make the way easy for an understanding, which cannot fail to be appreciated; and you will render it impossible for Germany to lay on you the responsibility for what might occur in case of your refusal to entertain the proposal which, by order of my Government, I have submitted to you.

Adieu, &c.
(Signed) A. PAGET.

No. 91.

Mr. Paget to Lord J. Russell.—(Received June 24.)

My Lord, *Copenhagen, June 17, 1861.*

THE general elections for the Rigsraad took place on the 14th instant. M. Hall was returned unopposed for the 7th district of Copenhagen; M. Feuger, Minister of Finance, and M. Casse, Minister of Justice, were likewise elected for two other districts of the capital.

In reply to questions which were put to him, M. Hall stated that the future prospects of the Fatherland depended upon the Constitutional union which, by means of the Rigsraad, exists between Denmark and Schleswig; that by destroying the Rigsraad the wishes of the enemies of Denmark, and a return to absolute Monarchy, would be accomplished. With reference to an alliance with Sweden and Norway, M. Hall observed that Sweden had never proposed an alliance to Denmark, and, consequently, such an offer had never been refused, but that the best feeling existed between the two countries.

M. Hall further alluded to the importance of a Denmark to the Eider, independent of Germany, and said it was due to the Government that this view of the question was now more generally entertained than it was before. M. Hall also stated that when the conflict with Germany should be concluded, the Government would endeavour to give Schleswig an extension of freedom corresponding to that of the kingdom.

I have, &c.
(Signed) A. PAGET.

No. 92.

Mr. Paget to Lord J. Russell.—(Received June 24.)

My Lord, *Copenhagen, June 20, 1861.*

WITH reference to your Lordship's instructions of the 12th and 19th instant, and to my despatch of the 15th instant, I have now the honour to transmit to your Lordship a copy of a note which M. Hall has just placed in my hands, as the answer of the Danish Government to the proposal to give up the Supplementary Budget for Holstein for the financial year 1861-62, submitted to them by Her Majesty's Government.

The substance of this note may be thus summed up. The Danish Government will renounce the sums fixed by the Royal Patent of the 23rd of September, 1859, which surpass the normal Budget, and will regulate the contributive part to be paid by Holstein towards the common expenses of the current year, conformably to the dispositions of a definitive arrangement to be agreed upon by negotiation. This arrangement would, therefore, have a retrospective force from last April, and until the negotiations are concluded, the Royal Patent would in effect be suspended. Thus, and in order not to give offence to Germany, the Government will consent, in the meantime, not to publish the general Budget of the Monarchy for 1861-62, which publication for 1860-61 furnished the pretext for the Federal Resolutions of the 8th of March, 1860, and the 7th of February of this year.

The conditions which the Danish Government attach to the fulfilling the above

arrangements, are those which M. Hall led me to expect in our interview reported in my despatch, namely, that the negotiations shall be substantially brought to a close before October, when the Rigsraad must assemble. Their reason for this is that it is impossible for them to announce to the Rigsraad that the share of Holstein towards the current Budget has been given up, without at the same time presenting some valid reason for such a course, and (as the whole of the public service for the present financial period has been calculated, inclusive of the proportion of what Holstein pays) without being able to offer some other arrangement which shall more or less supply the deficiency caused in the general receipts.

It might, perhaps, have been more satisfactory, in so far as averting the Execution is concerned, if the Danish Government had made an unconditional surrender of the Budget in question, but their position in dealing with this matter is not without difficulty, and it is to be hoped that the concession which they now announce themselves prepared to make, may, through the influence of Her Majesty's Government, be favourably entertained by the German Powers.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 92.

M. Hall to Mr. Paget.

Mon cher Ministre, *Copenhague, le* 20 *Juin,* 1861.

DANS notre dernière entrevue vous m'avez demandé, d'ordre de votre Gouvernement, si le Cabinet Danois veut autoriser celui de la Grande Bretagne à déclarer, en son nom, à la Confédération Germanique qu'il renoncera pour cette année au Budget supplémentaire par le Holstein, afin d'éviter l'Exécution Fédérale, pourvu que des négociations sérieuses s'engagent d'ici au mois d'Avril 1862 pour l'arrangement de la question Européenne aussi bien qu'Allemande.

Permettez-moi d'abord de préciser le sens des "négociations sérieuses," au prix desquelles le Gouvernement du Roi abandonnerait éventuellement son droit incontestable de prélever sur le Holstein la part contributive aux dépenses communes de la Monarchie pour cette année, telle que l'Arrêté Royal du 23 Septembre, 1859, l'avait fixée, indépendamment de toute influence du Rigsraad et conformément à la position créée au Holstein par la Patente du 6 Novembre, 1858.

Ce qui nous faut et ce que tous ceux doivent désirer qui veulent véritablement la paix et des rapports satisfaisants entre le Danemarc et l'Allemagne, c'est un arrangement définitif à l'égard de la position du Holstein.

Comme je vous l'ai déjà souvent dit, et je crois pouvoir ajouter, comme vous le reconnaissez vous-même, le Gouvernement du Roi ne ferait certes pas le moindre sacrifice ultérieur, si le seul effet de sa nouvelle condescendance ne serait que de remettre à une autre époque l'Exécution Fédérale.

Le résultat auquel viseraient les négociations susmentionnées doit donc être un ordre de choses définitif qui ne permettra plus à l'Allemagne de revenir sur cette menace continuelle d'une Exécution, aussitôt qu'un moment favorable se présentera.

Personne ne peut prévoir, il est vrai, à quelle époque tous les détails d'un tel arrangement pourraient être réglés, mais il n'en est pas de même des points principaux. Il ne serait certes pas trop difficile de s'accorder sur ceux-ci dans un délai assez court, si l'on a l'intention ferme d'atteindre le but, et personne ne méconnaîtra la nécessité dans laquelle le Gouvernement du Roi se trouve de devoir mettre à sa déférence la condition que les négociations doivent avoir abouti, avant l'époque de la réunion du Rigsraad, à un résultat qui lui permettra de soumettre à cette Assemblée un Budget basé sur la nouvelle position du Holstein dans la Monarchie. Enfin je n'ai pas besoin de dire que la coopération seule des quatre Puissances non-Allemandes pourra assurer le succès des négociations.

Je reconnais avec gratitude que le Cabinet de Londres a fait, et fait encore tous les jours, de grands efforts pour mener l'affaire à bonne fin, mais malheureusement il n'a pas jusqu'à présent été suffisamment secondé dans cette tâche par toutes les autres Puissances. Toutes elles reconnaissent la justesse de l'appréciation du Cabinet Anglais du caractère de la question Holsteinoise, telle qu'elle se trouve encore une fois signalée dans votre proposition, à savoir, que cette question a un double côté, l'un qui regarde l'Allemagne et embrasse les relations entre le Holstein et la Confédération, l'autre qui fait entrer la question dans le domaine de la politique Européenne, en ayant pour objet la position du

Duché dans la Monarchie Danoise, et pouvant porter atteint au principe de l'intégrité du Danemarc reconnu à la Conférence de Londres. Mais pour qu'une solution définitive qui concilie ces deux considérations, en fixant la position double du Holstein, soit amenée, il faut que toutes les Puissances suivent l'exemple donné par l'Angleterre et la Suède, et qu'elles pèsent sur l'Allemagne de toute leur influence.

Quelque ingrate que soit la tâche de deviser continuellement des moyens pour que la Diète de Francfort puisse sortir de l'impasse dans laquelle elle s'est engagée de son propre gré et sans notre faute, et bien que je n'aie que peu de confiance dans les intentions du Gouvernement Prussien, relativement à un accord réel, j'ai pourtant cru devoir obtempérer aux vœux exprimés par votre Gouvernement en essayant encore une fois de donner à la Confédération une occasion favorable. Mais c'est aux conditions susmentionnées seules que le Gouvernement du Roi serait disposé à faire ce nouveau sacrifice. Je ne doute pas que vous ne partagiez entièrement ces vues, et vous ne manquerez pas de trouver parfaitement légitime que le Gouvernement fait dépendre de ces conditions la concession que vous lui proposez. Mais il faut que ces conditions soient clairement comprises et acceptées de part et d'autre, car le moindre malentendu rendrait la position du Danemarc bien moins bonne qu'elle ne l'est à présent quand elle est au moins claire du côté de droit.

La Diète de Francfort s'est placée dans une situation difficile, en ayant attaqué l'Arrêté Royal du 23 Septembre, 1859, et le Cabinet Anglais désire qu'on lui ouvre une port d'en sortir. Vous avez rappelé, Monsieur, un passage de ma circulaire du 22 Mars, mais vous avez reconnu qu'il y a beaucoup de différence entre l'opinion personnelle, énoncée confidentiellement par moi dans cette occasion, et l'idée émise à présent par vous. Alors il ne s'agissait que de quelques-unes des sommes fixées dans la Patente Royale, et cet engagement était pris dans l'hypothèse qu'un arrangement général serait fixé en même temps, ou du moins que la co-opération des Etats Holsteinois aurait lieu pour le règlement du Budget. A présent il en est bien autrement. Je tiens à constater qu'ainsi la concession que vous demandez au Gouvernement du Roi est toute nouvelle, mais néanmoins, comme je viens de la dire, nous sommes disposés à la faire dans les limites du possible.

Ce que nous pourrons faire, c'est de déclarer au Cabinet Anglais que nous renoncerons éventuellement aux allocations portées dans l'Arrêté du 23 Septembre, 1859, au-delà des prévisions du Budget normal, en réglant la part contributive du Duché aux dépenses communes de l'année financière courante, conformément aux dispositions de l'arrangement dont l'adoption est la condition de cette condescendance de la part du Gouvernement du Roi. Cet arrangement aurait ainsi force rétroactive, et jusqu'à ce que les négociations aboutissent l'Arrêté Royal restera pour ainsi dire suspendu. A cet effet, et pour ne pas donner ombrage à l'Allemagne, le Gouvernement du Roi consentira en attendant à ne pas publier le Budget Général de l'Etat qui a donné le prétexte de l'Arrêté Fédéral du 7 Février de cette année.

Vous apprécierez facilement, Monsieur, combien cette concession, sinon dans la forme, en tout cas dans la réalité, vient au devant du désir exprimé par votre Gouvernement. Si la Diète veut sincèrement se tirer de la difficulté créée par l'Arrêté Fédéral, relativement à la Patente Royale du 23 Septembre, 1859, la suspension de cette Patente, ou, pour mieux dire, la force rétroactive accordée à l'arrangement éventuel, lui donnera toute occasion désirable. Si la part contributive du Holstein devient par cet arrangement plus considérable que ne l'a fixée le Budget normal, l'augmentation sera fondée dans la reconnaissance seule qu'il y a en dehors des prévisions du Budget normal des dépenses dictées par les besoins indubitables du Holstein lui-même. De l'autre côté, si la Diète de Francfort ne veut que trainer l'affaire, et si elle a l'intention de nous arracher une concession sans se prêter à un arrangement définitif, l'Arrêté Royal conservera son application entière, et le Cabinet Anglais approuvera sans doute que nous nous assurons contre une éventualité qu'il ne regretterait pas moins que nous.

Je me résume. Le Cabinet Danois consentira à déclarer à l'Angleterre que le Gouvernement du Roi réservera le réglement définitif de la part contributive du Holstein aux dépenses communes de la Monarchie pour l'année courante jusqu'à ce qu'un arrangement général ait fixé la position du Holstein dans la Monarchie, à la condition pourtant que les efforts des Puissances auront abouti à un résultat avant la réunion du Rigsraad au mois d'Octobre. Dans cette éventualité le principe sur lequel sera basé le nouvel ordre de choses financier relativement à la participation du Duché aux dépenses communes devra être appliqué à l'année courante en remplacement de l'Arrêté du 23 Septembre, 1859, pour les dépenses prévues par cette décision Royale ; autrement le Gouvernement Danois n'est point lié par cet arrangement.

Voilà, Monsieur, la résolution à laquelle le Cabinet s'est arrêté au sujet de la demande

que vous m'avez adressée. Je n'ai pas besoin de vous dire que par suite de l'absence du Roi l'ordre de Sa Majesté n'a pas pu être pris, mais je serai prêt à soumettre à sa haute approbation cette affaire, dès que j'aurai reçu la réponse de votre Gouvernement à ces observations.

Je saisis, &c.
(Signé) C. HALL.

(Translation.)

My dear Minister, *Copenhagen, June* 20, 1861.

IN our last interview you inquired of me, by order of your Government, if the Danish Cabinet would authorise that of Great Britain to declare, in their name, to the Germanic Confederation that they would give up for this year the supplementary Budget for Holstein, in order to avoid Federal Execution, provided that serious negotiations were undertaken between now and the month of April 1862, for the settlement of the European, as well as the German, question.

Permit me, first of all, to specify the meaning of the "serious negotiations," for the sake of which the Government of the King would eventually abandon their incontestable right to levy on Holstein its contributive share in the common expenses of the Monarchy for this year, such as it has been fixed by the Royal Resolution of the 23rd of September, 1859, independently of any influence of the Rigsraad, and in conformity with the position assigned to Holstein by the Patent of the 6th of November, 1858.

What we want, and what all should desire who really wish for peace and satisfactory relations between Denmark and Germany, is a definitive arrangement with regard to the position of the Duchy of Holstein.

As I have often told you already, and I think I may add, as you yourself allow, the Government of the King would certainly not make the slightest further sacrifice, if the only effect of their new concession would be to put off Federal Execution to some other time.

The result, then, to which the above-mentioned negotiation should be directed ought to be a definitive order of things, which would no longer allow Germany to return to this continued threat of an Execution, whenever a favourable moment presents itself.

No one can foresee, it is true, at what epoch all the details of such an arrangement can be settled, but it is not the same with its principal points. It would certainly not be very difficult to agree on these in a tolerably short time, if a firm intention of attaining this object exists, and no one can ignore how necessary it is for the Government of the King to couple with their concession the condition that the negotiations must, before the time of the meeting of the Rigsraad, have arrived at a result which will allow of their submitting to that Assembly a Budget based on the new position of Holstein in the Monarchy. Finally, I need not say that the co-operation of the four non-German Powers can alone insure the success of the negotiations.

I acknowledge with gratitude that the Cabinet of London has made, and is still making every day, great efforts to bring the affair to a satisfactory conclusion; but, unfortunately, it has not as yet been sufficiently supported in this task by all the other Powers. They all acknowledge the correctness of the view taken by the English Cabinet of the nature of the Holstein Question, as it is once more stated in your proposition: namely, that this question has a double aspect; the one relating to Germany, and comprising the relations between Holstein and the Confederation; the other, which places the question within the region of European politics, having for its object the position of the Duchy in the Danish Monarchy, and possibly affecting the principle of the integrity of Denmark, recognised at the Conference of London. But to bring about a definitive solution, which may reconcile these two considerations by fixing the double position of Holstein, it is necessary that all the Powers should follow the example set by England and Sweden, and that they should bring all their influence to bear on Germany.

However ungrateful may be the task of continually devising means to extricate the Diet of Frankfort from the dilemma into which it has got of its own accord, and by no fault of ours, and although I have little confidence in the intention of the Prussian Government with respect to a real agreement, still I have thought it my duty to comply with the wishes expressed by your Government, by endeavouring once more to give the Confederation a favourable opportunity. But it is on the above-mentioned conditions alone that the Government of the King would be prepared to make this new sacrifice. I doubt not that you entirely share our views, and you will not fail to consider it perfectly just that the Government should make the concession which you propose to them dependent on those conditions. But it is necessary that those conditions should be clearly understood and accepted on both sides, for the slightest misunder-

standing would render the position of Denmark much less favourable than it is now, when it is, at all events, clear as far as right is concerned.

The Diet of Frankfort has placed itself in a difficult situation by having attacked the Royal Resolution of the 23rd of September, 1859, and the English Cabinet wishes us to open a door for it to escape. You have recalled, Sir, a passage of my Circular of the 22nd of March, but you have acknowledged that there is a great difference between the personal opinion confidently expressed by me on that occasion, and the idea now started by you. At that time some sums, only fixed by the Royal Patent, were in question, and this engagement was taken on the supposition that a general settlement would be come to at the same time, or at least that the co-operation of the Holstein States would be secured for the settlement of the Budget. Now matters are quite different. I must affirm, therefore, that the concession which you ask of the Government of the King is entirely novel, but nevertheless, as I have just said, we are disposed to make it as far as is possible.

What we can do is to declare to the English Cabinet that we will eventually give up the estimates charged in the Resolution of the 29th of September, 1859, in excess of the provisions of the Normal Budget, and will settle the contributive share of the Duchy in the common expenses of the current financial year, in conformity with the dispositions of the arrangement, the adoption of which is the condition of this concesssion on the part of the Government of the King. This arrangement will thus have a retroactive force, and until the negotiations come to a conclusion the Royal Resolution will remain, so to speak, in suspense. For this purpose, and in order not to give umbrage to Germany, the Government of the King will consent, in the meanwhile, not to publish the general Budget of the State which furnished a pretext for the Federal Resolution of the 7th of February of this year.

You will easily understand, Sir, how far this concession, if not in form, at least in reality, complies with the desire expressed by your Government. If the Diet sincerely desires to escape from the difficulty occasioned by the Federal Resolution relative to the Royal Patent of the 23rd of September, 1859, the suspension of this Patent, or, to speak more precisely, the retroactive force given to the eventual arrangement, will afford every desirable opportunity. If the contributive share of Holstein becomes, by this arrangement, more considerable than the Normal Budget has fixed it, the increase will be based on the acknowledgment alone that there are, in addition to the provisions of the Normal Budget, expenses dictated by the undoubted wants of Holstein itself. On the other hand, if the Diet of Frankfort wishes only to prolong the matter, and if it intends to force from us a concession without acceding to a definitive arrangement, the Royal Resolution will preserve its entire application, and the English Cabinet will no doubt approve of our insuring ourselves against an eventuality which it would regret no less than us.

To sum up, the Danish Cabinet will consent to declare to England that the Government of the King will reserve the definitive settlement of the contributive share of Holstein in the common expenses of the Monarchy for the current year, until a general arrangement has fixed the condition of Holstein in the Monarchy, on condition, however, that the efforts of the Powers shall have arrived at a result before the meeting of the Rigsraad in the month of October. In this eventuality, the principle, on which the new financial arrangement with respect to the participation of the Duchy in the common expenses is based, would be applied to the current year in the stead of the Resolution of the 23rd of September, 1859, as regards the expenses provided for by this Royal decision, otherwise the Danish Government is not bound by this arrangement.

Such, Sir, is the resolution to which the Cabinet has come on the subject of the demand which you have addressed to me. I need not tell you that, in consequence of His Majesty's absence, his orders could not be taken, but I shall be ready to submit this matter to his august approbation so soon as I have received the reply of your Government to these observations.

I seize, &c.
(Signed) C. HALL.

No. 93.

Mr. Paget to Lord J. Russell.—(Received June 24.)

My Lord, *Copenhagen, June 20, 1861.*

MY French colleague informed me to-day he had received an instruction by telegraph from Paris, in which he was directed to urge the Danish Government to give up the Supplementary Budget for Holstein for 1861-62.

I have, &c.
(Signed) A. PAGET.

No. 94.

Lord A. Loftus to Lord J. Russell.—(Received June 24.)

My Lord, *Berlin, June 22, 1861.*

I HAVE the honour to acknowledge the receipt this morning of your Lordship's despatch of the 20th instant.

Deeming it of importance that the dangers which may arise to the maintenance of the integrity of the Danish Monarchy, and consequently to the peace of Europe, from a recourse to coercitive measures on the part of Germany, should be represented to Baron Schleinitz in the same clear and conclusive language used by your Lordship, I read to his Excellency your Lordship's above-named despatch *in extenso*. Previous to doing so, I reminded his Excellency that I had called his attention at the time to the paragraph of the King's Speech on closing the session referred to by your Lordship, stating that the Prussian Government were under a great illusion in supposing that Europe would be indifferent to the danger which might menace the integrity of the Danish Monarchy if a war between Germany and Denmark should result out of these complications.

Baron Schleinitz did not deny the truth and force of your Lordship's arguments, asserting that no Power was interested more than Prussia in maintaining peace, and that she was most desirous of avoiding the necessity which would be imposed on the Diet of recurring to coercitive measures against Denmark for the protection of the rights and interests of Germany.

Baron Schleinitz most emphatically denied that there existed, or even had existed, any desire or intention on the part of Germany, whether on the part of the Government or of any political bodies in Germany, to incorporate Schleswig into Germany, and he challenged me to cite to him any occasion on which any such intention had been expressed. I replied to him that there existed notoriously on the part of the Holsteiners a desire to restore the union with Schleswig which had existed between the two Duchies previously to 1848, and that, consequently, the aim alluded to would be thus indirectly attained, although it might not be outwardly acknowledged.

Baron Schleinitz then observed that an expedient had been found whereby the Execution might be avoided. It only then depended on Denmark to adopt this course with a clear understanding that it would be accepted by the Diet, and that direct negotiations would thereupon be opened between Germany and Denmark for a definitive arrangement of the question in dispute. His Excellency dwelt on the advantages of this course. He said that hitherto the difficulties of the question were between Denmark and the States of Holstein. The course proposed would be a novel one: it was that the question regarding Holstein should be treated directly between Germany and Denmark, independently of the Holstein States, with whom Denmark could later come to terms in the event of a satisfactory arrangement between Germany and Denmark. His Excellency could not, therefore, understand what objections could be raised by Denmark to this mode of proceeding, or why the condition of an European Conference had now been added to a proposal which had originated with the Danish Minister-President himself, or an expedient which could be resorted to for the purpose of avoiding a Military Execution under similar circumstances to the present.

I said to Baron Schleinitz that he must not lose sight of the difficult position in which the Danish Government were placed as regarded public opinion in Denmark, and that while we were making attempts to extricate Germany from the advanced position she had taken up in this question, we had likewise to take into account the susceptibilities and the interests of Denmark.

I represented to him all the dangers to Germany of an Execution, stating that in reality an Execution would cause far greater embarrassment to Germany than to Denmark.

If the Danish Government should agree to make the Declaration which had been suggested, they must have some security that this concession should not be made for a

merely momentary advantage, and that they should thereby obviate the constant renewal of the menace of a Federal Execution. They must have some assurance that real negotiations will be entered upon for a final arrangement of the relations of Holstein to Denmark. Without any such safeguard how could they appear before the Rigsraad which which was to meet in October; and how could they defend the course they had taken? They could not announce to that body the cession of the Holstein share to the common Budget without adducing some counterbalancing advantage to Denmark which would cover the responsibility of the Government.

Baron Schleinitz replied that it was utterly impossible to give any guarantee beforehand that the negotiations would be successfully concluded ("mener à bonne fin"). If we were all seated round that table how could we guarantee beforehand that a common agreement would result from our deliberations?

I here remarked to his Excellency that it was on this account that the European Conference was made a condition to the acceptation by Denmark of the course proposed to her.

The Danish Government would thus give an assurance that the concession made to Germany had not been made without value received; and I could not understand on what grounds Germany could decline so just a proposal if their wishes and intentions were of the nature his Excellency described.

I then inquired of his Excellency whether Prussia, as regarded herself, would be prepared to declare formally that in the event of the failure of the direct negotiations between Germany and Denmark, Prussia would then agree to an European Conference for the final adjustment of these difficulties.

His Excellency could give no answer to this question; he said that he would await your Lordship's answer to a despatch which he had instructed Count Bernstorff to communicate to your Lordship.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 95.

Mr. Grey to Lord J. Russell.—(*Received June 26.*)

My Lord, *Paris, June 25,* 1861.

I HAD some conversation this morning with Count Pourtalès, the Prussian Minister, on the subject of the Schleswig-Holstein question, and especially regarding a sentence in your Lordship's despatch of the 19th instant to Lord Augustus Loftus

The sentence to which I allude is that in which your Lordship says:—"If I understand rightly the language of Baron Schleinitz, his proposal is, that Her Majesty's Government should recommend to Denmark to submit to all the demands of the Diet, whatever they may be."

Count Pourtalès said he conceived this must be a misapprehension, for such a proposal could not be made by the Prussian Government, and if made could not be expected to be listened to. The Prussian Government were as anxious as that of Her Majesty that a Federal Execution in Holstein should not be carried into effect. But in order to avoid the imperative necessity of putting that Execution into force, the first endeavour must be to establish a provisional state of things. To arrive at this provisional state, certain extremely limited propositions were required from Denmark, namely, that the Danish Government should forego the perception of the Budget and the promulgation of new laws in Holstein until the meeting of the States next year. If these propositions were made officially, and these engagements taken by the Danish Government, the Federal Execution might at once be stayed, and an opportunity for calm discussion and negotiation be afforded.

Count Pourtalès seemed confident that such propositions on the part of Denmark would suffice to avert the Execution.

With regard to the proposed Conference, he said that it was not until all possible means of direct negotiation between the Danish and Prussian Governments had been exhausted that the idea of an European Conference on this question could be entertained. If the difficulty could be finally and amicably adjusted by direct negotiation between the two Governments, so much the better (and of this Count Pourtalès did not seem to despair). If, on the other hand, such direct negotiation failed, it would then be time enough to think of convoking the Conference of the Powers of Europe.

I have, &c.
(Signed) W. G. GREY.

No. 96.

Mr. Paget to Lord J. Russell.—(*Received July* 1.)

My Lord, *Copenhagen, June* 26, 1861.

M. DE BALAN, the Prussian Minister, has been good enough to acquaint me with the substance of a despatch addressed by Baron Schleinitz to Count Bernstorff, in reply to your Lordship's despatch to Lord Augustus Loftus, of the 19th of June, respecting the renunciation of the Holstein Budget by the Danish Government. As your Lordship will of course have received a copy of this despatch from Count Bernstorff, it is needless for me to repeat its contents.

I have informed my Prussian colleague that, however much I desired it might be possible to bring the Danish Government to agree to the views of Prussia, namely, to give up the Holstein Budget on the understanding that the Federal Execution should be suspended, and direct negotiations be set on foot between the Diet and Denmark without the participation of the other Powers, I could take no steps in the matter without your Lordship's instructions.

I have, &c.
(Signed) A. PAGET.

No. 97.

Mr Paget to Lord J. Russell.—(*Received July* 1.)

My Lord, *Copenhagen, June* 27, 1861.

IN the absence of M. Hall, I had a conversation, a few days since, with M. Vedel, the Under-Secretary at the Foreign Office, in the course of which he made a statement which I need not say caused me the utmost astonishment. It was to the effect that in the event of a Conference being assembled on the affairs between Denmark and the Confederation, the Danish Government could not permit the question of Schleswig to be discussed.

This announcement appeared to me so novel and extraordinary, that I have waited anxiously for an interview with M. Hall, in order to ascertain whether it was in accordance with the intentions of the Danish Government, or whether it was only the expression of M. Vedel's personal opinion.

I have seen his Excellency this morning, and have asked him to give me a positive answer on the subject, for the information of Her Majesty's Government.

M. Hall began by saying that he was not aware of the existence of a "Schleswig question," and did not know what was meant by that expression.

I replied, that in the communication I had recently made to him, a German and an European question was spoken of. That by the German question that relating to Holstein was intended; and by the "European," I felt sure I was correctly interpreting your Lordship's meaning when I said you referred to Schleswig.

M. Hall said that the Holstein question had an European as well as a German side, and referred to his note to me of the 20th instant for what he had said on the subject, and added that he could never allow Schleswig to be a subject of negotiation with the Confederation.

I said this was not the point at issue: what I wanted to know from his Excellency was, whether in the event of an European Conference the Danish Government intended to permit or to refuse a discussion of the "affairs" (not to make use of the word "question," which he objected to) of Schleswig. It was, I added, most essential for Her Majesty's Government to have correct information on this matter, because it would appear almost useless to assemble a Conference if, at its first meeting, the Danish Plenipotentiary was to declare that his Government refused to allow the subject which was the primary cause of all the present differences to be brought before it. I therefore requested his Excellency to give me a clear and explicit answer to the question I had addressed to him.

M. Hall's reply was not so satisfactory as I could have wished. His Excellency said it appeared to him very doubtful, in the first place, whether a Conference would ever take place; that if it did, the decision of the Danish Government as to what it said on the subject of Schleswig must depend on how the Conference was composed; the Conference might, of course, speak of the affairs of Schleswig as of those of the Kingdom itself, but he never would allow, as he had before said, Schleswig to be made the subject of

negotiation with Germany. It was a question now, he said, of avoiding a Federal Execution, and bringing to an end discussions with Germany respecting Holstein. The arrangements for Holstein, therefore, were those to be settled, and not those affecting other parts of the Monarchy. This was the only answer he could give me without consulting his colleagues.

I replied that he could not accuse Her Majesty's Government of any desire to mix up the questions of Holstein and Schleswig in such a manner as to admit any rights of Germany over the latter, but it was impossible for any one to deny that the position of Schleswig in the present discussions was not entirely different from that of the Kingdom itself to which he had referred, and that it was hopeless to think of bringing about a definitive arrangement, which was the object of every one, unless the affairs in Schleswig were placed on a different footing from what they are at present. The Danish Government had, I said, undertaken certain engagements in respect to this Duchy which, whatever might be their international value, they were "bound in honour to fulfil;" and it was most essential, if a Conference assembled, that the Danish Government should be able to show that those engagements were fulfilled, or that they intended to fulfil them. I added it was from no wish to meddle in the internal concerns of Denmark that Her Majesty's Government had so frequently spoken of Schleswig, but from a desire to procure peace and tranquillity for the Danish Government, and that it appeared to me the Danish Government could have no greater security than that the affairs of this Duchy should be brought before an European Conference and there settled once for all. The Danish Government was already accused, I said, of a desire to incorporate Schleswig, and if the proposed separation of Holstein was carried out without Schleswig being placed in a more independent position, that accusation would become very difficult to refute.

M. Hall denied any such intention on the part of the Government.

I have, &c.
(Signed) A. PAGET.

No. 98.

Lord Bloomfield to Lord J. Russell.—(*Received July* 1.)

My Lord, *Vienna, June* 27, 1861.

HAVING learnt incidentally that a communication had been received here from Berlin on the Danish question, I have inquired of Count Rechberg what it consisted of. His Excellency replied that the Prussian Government had submitted as their opinion on the proposal that a Conference should be held on this subject, that, in the present stage of the proceedings, the proposition could not be entertained. He said that he entirely agreed with Baron Schleinitz's reasoning on this point; he did not, however, wish it to be supposed that a Conference might not be held hereafter, but that the question could not be entertained in the present stage of the proceedings, on account of the state of public opinion in Germany. He added Prussia had advanced too far in the business, and he believed she was disposed to retrace her steps if it was possible to do so; and he repeated what he said on a former occasion, that Austria would meddle in the matter as little as possible, and leave the settlement of it entirely in the hands of the Cabinet of Berlin.

I have, &c.
(Signed) BLOOMFIELD.

No. 99.

Lord A. Loftus to Lord J. Russell.—(*Received July* 1.)

My Lord, *Berlin, June* 29, 1861.

IN conformity with the instructions of your Lordship's despatch of the 19th instant, I have inquired of Baron Schleinitz, supposing the Danish Government not to comply with the requisitions of the Diet, and Federal Execution to be ordered, on what Article of the Act of Confederation that Execution would be based.

His Excellency replied that in such an eventuality, the Federal Execution would be authorized by Article XXXI (as far as he could recollect) of the Federal Act, which empowered the Diet to carry out its Decrees, if needs be, by coercitive measures.

His Excellency observed that the competency of the Diet was a totally distinct and separate question, which would require a detailed explanation.

The Danish Government had contested the competency of the Diet to interfere in a matter which they considered to be one of purely internal government; but this view had not been partaken of by the Diet, who had accordingly issued their Decree, and who were bound to enforce its fulfilment by a recourse, if necesssary, to executive measures.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 100.

Mr. Paget to Lord J. Russell.—(Received July 1.)

My Lord, *Copenhagen, June* 27, 1861.

I HAVE thought it my duty to draw M. Hall's attention to the difficulty, as it appeared to me, of reconciling the explanation which he gave me of his Circular of the 22nd of March, recorded in my despatch of the 15th instant,* with the text of the despatch itself.

I said that when I wrote to him on the 14th instant† I unfortunately had not his Circular by me, or I should have then remarked upon it; but that your Lordship had since sent me a copy of it, and on referring to the passage, "Je crois pourtant," and ending, "proportionnellement si petit," I thought it impossible for any one to understand that phrase otherwise than as applying to the whole of the Budget, and not any particular sums in it.

M. Hall defended the text of his despatch as bearing out his explanation, and asked how by "dans une dépense commune," anything but one particular sum could be intended. He repeated, in support of this, his assertion of the other day, namely, that he had never even contemplated the States rejecting the whole of the Budget, but only, perhaps, certain portions of it.

I did not think it necessary to argue the point further than to remark that what had confirmed me in the impression that by the term "une dépense commune" he meant the whole Budget, was that when I had originally proposed to him in April (see my despatch of 17th April‡), on the ground of what was stated in his Circular of the 22nd of March, to give up the Budget as a means of avoiding the Execution, it had been a question of the whole Budget and not of any particular sums in it.

M. Hall replied that when talking to a foreign Minister, or in communicating with the Diet on the sacrifices Denmark might possibly be induced to make, it could, of course, only be a question of the whole Budget, as they could not be expected to enter into discussion respecting the various sums of which it was composed; but that discussions with the Holstein States on the same subject were entirely different, and it was to those discussions he was referring when he wrote this despatch.

M. Hall repeated his assertion of the impossibility of giving up the Holstein quota for any other purpose than that of obtaining a definitive settlement.

I have, &c.
(Signed) A. PAGET.

No. 101.

Mr. Paget to Lord J. Russell.—(Received July 15.)

My Lord, *Copenhagen, July* 5, 1861.

M. HALL being in attendance upon the King in Jutland, and the day of his return to Copenhagen not being fixed with certainty, I thought it expedient, in order to gain time, to inform the Under-Secretary for Foreign Affairs, M. Vedel, that, "in the opinion of Her Majesty's Government, Denmark would do well to give up unconditionally the Holstein Budget for this year, and to announce this intention to the Governments of Austria and Prussia, or to the Diet, when the Execution will be postponed: that Austria and Prussia will agree to no conditions in exchange for this concession; but if this was done, Denmark could then negotiate with the Diet, and in the event of these negotiations failing, the Great Powers could offer their mediation either at a Conference or otherwise."

M. Vedel will inform M. Hall of this communication immediately. His Excellency's return, therefore, to Copenhagen will probably be hastened; but, in the meantime, it may be well that I should report the principal features of my conversation with M. Vedel.

* No. 90. † Inclosure in No. 90. ‡ No. 44.

As I believe that this gentleman's opinion and advice exercise no inconsiderable weight over M. Hall's decisions, I entered into a longer discussion with him than would otherwise have been necessary, making use of such arguments as I thought most calculated to influence the report which he would address to his Chief, and, in this manner, to remove some of the difficulties which, from what had passed in my last interview with M. Hall, as reported in my despatch of June 27, I should imagine would be raised by his Excellency, to agreeing to the concession of the Holstein Budget on the terms now proposed.

M. Vedel observed that the present communication differed very materially from the last which had emanated from Her Majesty's Government, inasmuch as it was then a question of a European Conference in exchange for the sacrifice to be made by Denmark; whereas it was now proposed to Denmark to treat directly with the Diet. He would wish to know, therefore, first of all, whether the negotiations were to be carried on between Denmark and the Diet on the footing of two independent Powers, or whether on that of the Diet and one of its members. It was very desirable for the Danish Government, he said, to be correctly informed on this point. Another question he would wish answered was, whether if the Danish Government gave up the Holstein Budget, and an understanding (in which, however, he had no belief) was effected with the Diet, the arrangement agreed upon would have a retrospective effect.

If such was not the case, how was the deficit in the common expenses, resulting from the giving up of the Holstein contribution, to be made good? Was it to be paid by the other parts of the Monarchy, viz., Denmark and Schleswig? Then with regard to the future financial arrangements. What security, or indeed hope, was there that any understanding could be arrived at with Germany by the meeting of the Rigsraad in October? It was necessary, nevertheless, for the Government to be prepared with a Budget for the future financial period; how was this to be framed while the position, and therefore the share of contribution, of Holstein was undecided? He confessed, he said, he did not see how these difficulties were to be overcome. He had no faith in the conciliatory intentions of Prussia: that Power evidently considered the present moment unpropitious for proceeding to an Execution; and he was not at all convinced that even if nothing was done by Denmark the Execution would now be carried out. The object of Prussia was evidently, he said, only to gain time; she had no serious wish to bring the question to an end, and, therefore, he did not see why the Danish Government should lend itself to the accomplishment of her ends, and enter upon fresh negotiations with the Diet which would certainly not lead to any good result.

I replied that the first point he had raised, viz., what was to be the footing on which the negotiations were to be conducted, appeared to me to be of less importance than he attached to it. As, however, Denmark was at liberty to make the communication of its intentions to the Governments of Austria and Prussia instead of to the Diet, I presumed it was proposed that the subsequent negotiations should have an international character. The Diet, as was observed by my Russian colleague, who came in later, did not negotiate with its members on purely Federal matters, but issued its Resolutions as a Supreme Tribunal to which there was no alternative but compliance or execution. It followed, therefore, that if the Diet now consented to treat with Denmark, the probability was it would be on the footing of an independent Power. But in any case, I said, negotiations with the Diet would be a great point gained by Denmark. Hitherto that Assembly had always refused to treat. The language to Denmark had been, "You are to fulfil the obligations you have undertaken with regard to Holstein; but it is not for us to tell you how you are to do it. Carry out what we require and what you have promised, and we will tell you afterwards if we find it satisfactory or not." The advantage, therefore, which Denmark will gain by direct negotiations will be, I said, to ascertain what arrangement the Diet will accept.

In regard to M. Vedel's second inquiry, as to whether, supposing an arrangement was effected, it would have retrospective force, I said that although I could not speak positively on the subject, I had no doubt in my own mind, from my recollection of what my Prussian colleague had told me of the despatch from M. de Schleinitz to Count Bernstorff, that there would be no difficulty on this point. The Diet was not materially interested in this question; it was contending for a principle, viz., that the Duchy of Holstein should not be called upon to pay sums to the common expenses to which the States of the Duchy had not consented.

With respect to the third question, viz., as to the possibility of terminating the negotiations by October, so as to enable the Government to meet the Rigsraad, and to lay before them a Budget for the next financial period, I asked M. Vedel whether it was not possible to postpone its meeting till a later period. He said that, according to the Consti-

tution, it ought to meet the first Wednesday in October, but that power was vested in the King to prorogue its sittings for four months later, but not beyond that period. This, then, I said, would bring us to the month of January; and without being too sanguine, we might reasonably hope that the negotiations would by that time be so far advanced as to enable the Danish Government to prepare their financial measures for the next biennial period. As for the great repugnance which he supposed Prussia to have at this moment to an Execution, and as for that Execution not taking place if Denmark did not yield, I counselled the Danish Government not to build their hopes too much on this supposition. Prussia, I said, out of deference to other Powers, might not wish to push matters to extremities just now, but the Danish Government might rely upon it she would not shrink from it if it became necessary.

On the whole, therefore, it appeared to me, I continued, that Denmark had everything to gain and nothing to lose by acting in conformity with the opinion of Her Majesty's Government. Her Majesty's Government had done all they could, as he was well aware, to bring about a Conference of the great Powers in union with Austria and Prussia on these affairs, but Prussia and Austria would not at this moment consent to such a course. Her Majesty's Government could not, therefore, force them to agree, neither had they any wish or intention to force the Danish Government; but they gave them the advice which, under the circumstances, appeared to them the wisest for Denmark to follow. By taking the steps suggested the Execution would be averted; and although, as before said, Austria and Prussia would not now consent to a general Conference, because they did not consider the time for it had yet arrived, they would recommend the Diet to open direct negotiations with Denmark; and in the event of these failing they would then agree, as M. de Schleinitz had said in his despatch to M. de Bernstorff, to accept the mediation of the great Powers. What, therefore, I inquired, could Denmark lose by waiting? If Denmark did not yield, and proceedings for the Execution followed their natural course, the occupation of the Duchy would, in all probability, not take place till late in November. Should that occupation, unfortunately, lead to hostilities, it would be impossible for Denmark to make use of her navy at that time of the year, and therefore her most effective arm would be paralyzed. On this account, therefore, delay would be advantageous to Denmark. In a moral point of view they would likewise be gainers by adopting the advice of Her Majesty's Government. This advice was shared by the other great Powers; and if it was followed by the Danish Government the sympathy for and the desire to serve Denmark would, of course, be greater than if it was rejected.

M. Vedel said he thought public opinion in Germany, which, obeying the "mot d'ordre" from Berlin, was more or less stifled, would in the event of negotiations with Denmark break all bounds, and oblige the German Governments to push their pretensions even farther than they were themselves naturally inclined. It would be impossible for these Governments to ask less in a European Conference than they had while treating directly with Denmark. Although the rights of Denmark might be acknowledged, it would, nevertheless, be said that it was impossible to ignore the public opinion of Germany, and Denmark would go to the wall for the sake of preserving peace. He thought, therefore, preliminary negotiations with Germany undesirable on this account.

My reply to this was, that in a European Conference the rights and claims of both parties would be fairly listened to, and that neither public opinion in Germany or elsewhere would induce the Governments of the Great Powers to deviate from the path of justice.

The conversation ended by my urging M. Vedel to use whatever influence he possessed with M. Hall to induce him to act in accordance with the course now suggested by Her Majesty's Government, and his answer to my appeal was intended to convey to me the impression that he would do so.

I have, &c.
(Signed) A. PAGET.

No. 102.

Mr. Paget to Lord J. Russell.—(Received July 15.)

(Extract.) *Copenhagen, July 9, 1861.*

M. HALL returned to Copenhagen on Sunday the 7th instant, and I saw him on Monday.

Before relating what passed at our interview, I must state to your Lordship that, prior to it, I applied to my Prussian colleague to lend me his copy of Baron de Schleinitz' despatch to Count Bernstorff of June 19, and M. de Balan had likewise the goodness, at

my request, to make an extract in French of that part of it which contains the declaration which the Prussian Government suggests should be made by the Government of Denmark with respect to the Holstein Budget.

The declaration as translated and given to me by M. de Balan runs thus:—

"Le Gouvernement Danois n'ayant pas réussi à régler le Budget avec les Etats Holsteinois s'abstiendra provisoirement, pour l'année financière actuelle, de prélever la quotepart extraordinaire qui, au delà du Budget normal, serait à la charge du Duché de Holstein. De cette manière il sera satisfait *de facto* à la demande concernante de la Diète Germanique, puisque depuis l'Arrêté Fédéral du 7 Février des lois générales pour le Holstein ne sont ni publiées ni projetées."

Taking this extract with me, I proceeded to M. Hall, and I immediately placed it in his Excellency's hands and left it with him, with the observation that I thought the Danish Government might well make this declaration without injury either to their susceptibility or their interests.

His Excellency informed me, first of all, that M. de Vedel's letter, explaining the last communication of Her Majesty's Government, and our conversation upon it, had not reached him before leaving the King, but that M. Vedel had related both to him on his arrival.

With regard to the new proposal and to the form of declaration I had just given him, and which he had read attentively over, his Excellency inquired, supposing the Danish Government to be prepared to make a communication in the terms indicated, what guarantee was there for Denmark that the Execution would be stopped? Prussia, he understood from me, had said she would undertake to recommend that course to the Diet; but she might afterwards say, as she had done in other instances, that she had been outvoted by the other Powers at the Diet, and the Execution would take place. In making such a declaration Denmark would be bound without any corresponding engagement on the other side. Then with respect to the negotiations with Germany, he must declare, he said, that he had not only no confidence in their result, but that he thought they would be injurious to the cause of peace. On this subject, and also as to the negotiations being on the footing of two independent Powers, the recognition of which principle, he said, was an absolute necessity for Denmark, his Excellency spoke in the same sense as M. de Vedel; but he made an observation to which I feel bound to call your Lordship's special attention, in order that, if you think fit, you may throw out some hint on the subject in the proper quarters.

It was respecting the entire hopelessness of entering on these negotiations if every step in them is, as has hitherto been the case in the proceedings between the Diet and Denmark, to become immediately public and commented on in the newspapers. It is not, perhaps, too much to say, that the nature of this dispute has to a great extent been attributable to this very course.

But to return to M. Hall's observations. His Excellency said, in short, he deprecated direct negotiations with Germany; that he was convinced the differences could never be ended but by European intervention; and that he considered the moment for that intervention more favourable now, at all events for Denmark, than it was likely to be later. He was, therefore, disinclined to agree to the course now recommended by Her Majesty's Government.

With reference to the guarantee which Denmark would have for the postponement of the Execution, I replied, that I could not see what better security the Danish Government could have on this subject than the assurance which had been given to Her Majesty's Government in M. de Schleinitz' despatch. It would be impossible, I said, for Prussia, after undertaking such an engagement, to come back from it or avoid it. Besides, the Danish Government had the remedy in their own hands. If, after this declaration was made, the Execution still took place, the other side having violated their word, Denmark had only to withdraw hers.

With regard to the direct negotiations, while admitting there might be something of reason in what his Excellency had said, I observed that I looked upon them as a bridge over which it was absolutely indispensable to pass in order to arrive at the mediation of the Great Powers being admitted by Germany. I repeated what I had said to M. Vedel relative to the respective positions of the two parties while treating, and I again observed that the Danish Government might be assured they would lose nothing in the estimation of Europe by taking the step now proposed. It would be a signal proof to the Great Powers of the desire of the Danish Government to do everything to avoid bringing on a conflict, and should the direct negotiations unfortunately fail, and the question have to be arranged by the mediation of the Great Powers, the sacrifice now made for the sake of peace could not but tell in their favour.

After some further argument on both sides, M. Hall said, that at all events he must have something to show as a justification to the country of the step to be taken. Verbal communications were very well, but they left no tangible trace; and he could not undertake to obtain the consent of either the King or his colleagues, unless he had the proof in hand that the course proposed was advised by Her Majesty's Government; that it would avert the Execution; and that if the direct negotiations failed, Her Majesty's Government would undertake to bring about an European mediation. It was, therefore, an absolute condition to his consenting to bring the matter before the Cabinet, that I should address him a note to the above effect.

I naturally replied that I could not do this without instructions from your Lordship, and that in any case Her Majesty's Government could, of course, enter into no engagement respecting the mediation of other Powers, although they might answer for their own.

M. Hall said they might undertake to endeavour to bring about this mediation, and he thought, from the disposition of the other Cabinets, there would be no difficulty in doing so.

I said I would immediately apply to your Lordship for instructions on the subject, provided his Excellency would promise me that if the answer was affirmative the Danish Government would follow Her Majesty's Government's advice.

M. Hall said he would recommend it to the Cabinet.

No. 103.

Mr. Paget to Lord J. Russell.—(*Received July* 15.)

My Lord, *Copenhagen, July* 11, 1861.

I HAVE the honour to inclose herewith a copy of a letter which I have this day placed in M. Hall's hands, and with which his Excellency stated he was well satisfied. He intends to bring it before the Council of Ministers to-morrow, and has little doubt of obtaining their consent to making a declaration in the sense indicated by Her Majesty's Government; but it will be impossible for him, he says, to obtain the King's sanction to the arrangement until the 20th instant, because of the uncertainty of His Majesty's movements making it very doubtful where he could find him.

As soon as the decision of the Cabinet has been taken, M. Hall will reply in writing to my note.

In the meantime his Excellency's information from Frankfort induces him to believe that the Report of the United Committee will be presented perhaps to-day, or next Thursday. M. Hall said he should regret this for some reasons, but for others it might be advantageous. On the presentation of the Report to the Diet, each Representative will send it to his Government for instructions how to vote. This Report might contain an indication of the views of the Committee as to future arrangements, and it would afford the Danish Government the opportunity of making to the Diet the declaration in question.

I said I thought it was very desirable to anticipate, if possible, the presentation of the Report, and to communicate with the two great German Powers instead of with the Diet: in the first place, because I thought it would be more dignified on the part of Denmark to appear to make the concession spontaneously, and not in consequence of pressure from the Diet; and next, that in making the declaration to Berlin and Vienna, the opportunity might be taken of intimating to those Cabinets that if they were willing to treat in the name of the Confederation with Denmark, the Danish Government would be willing to negotiate with them, which would certainly, it seemed to me, be more advantageous than negotiating with the cumbrous Assembly at Frankfort. If the Danish Government was unable to give any definitive answer until the 20th, would his Excellency, I inquired, authorize me to tell Lord Augustus Loftus he might inform Baron Schleinitz that, subject to the King's sanction, a declaration in conformity with the desires of Prussia would shortly be made by the Danish Government, in order that the Prussian Government might (which I had no doubt they would) prevent any further proceedings whatever being taken at Frankfort?

M. Hall replied, that towards the Prussian Government he could undertake no such responsibility; that towards Her Majesty's Government he would not have gone so far if he had not been sure of the Cabinet agreeing in substance with what he had said; but he could not compromise himself more towards Prussia than allowing it to be said that negotiations on the subject of the Holstein Budget were on foot between Her Majesty's Government and the Danish Government; that he was personally inclined to act in conformity

with the views of Her Majesty's Government, but that the definitive decision could not be given until the question had been before the Cabinet.

M. Hall then asked me if I had seen the opinion expressed by some of the Liberal press of Germany that it would be useless to treat with Denmark until after the Execution had taken place. He called my attention to this because it indicated, perhaps, a resistance on the part of some of the Powers at the Diet to the counsels of Prussia on this subject.

I said this was an additional reason for making the declaration to the Prussian Government, which would then feel it a point of honour to overcome opposition.

His Excellency replied he was certainly in favour of communicating with the two great German Powers, but that he must be guided by circumstances.

With regard to the note which I addressed to M. Hall, your Lordship will perceive that it differs slightly from the text I was instructed to adopt. I have inserted the word "provisionally" in the first paragraph because it is according to the Prussian suggestion, and I conclude Her Majesty's Government do not wish the Danish Government to go further than is required by Prussia. I have inserted a phrase respecting the introduction of "common" laws in Holstein, because its omission in the declaration to be made by the Danish Government would have created a difficulty on the part of Prussia, and have perhaps brought the whole arrangement to the ground. It was not objected to by M. Hall.

In other respects my note is in conformity with your Lordship's instructions; and I trust the alterations may be approved.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 103.

Mr. Paget to M. Hall.

Copenhagen, July 11, 1861.

WITH reference to the conversation on the 8th instant, between the Undersigned, &c., and his Excellency M. Hall, &c., and more particularly to the desire expressed by his Excellency to receive a written communication of the views of Her Majesty's Government as to the best mode of proceeding in the present state of the question between His Majesty the King of Denmark, Duke of Holstein, and the German Confederation, the Undersigned has now the honour to inform his Excellency M. Hall that he has been instructed by Lord John Russell, &c., to state that in the opinion of Her Majesty's Government the Danish Government would do well to give up provisionally for the current financial year the quota of Holstein towards the common expenses of the Monarchy, which is in excess of the Normal Budget.

If a declaration to this effect, stating at the same time that no "common" laws have been published in Holstein since the Federal Resolution of the 7th of February last, or are for the present projected, was to be made by the Danish Government either to the Diet or to the Cabinets of Berlin and Vienna, Her Majesty's Government have good reason to believe that the Prussian Government would recommend the Diet to postpone the Execution. In this manner the way would be open for negotiations between Denmark and the Confederation.

In the event (which Her Majesty's Government would much regret) of the direct negotiations between Denmark and the German Powers failing to result in an agreement, the Undersigned has further been instructed to state that Her Majesty's Government will endeavour to bring about a friendly mediation on the part of the Great Powers for the attainment of this end.

The Undersigned, &c. (Signed) A. PAGET.

No. 104.

Lord Bloomfield to Lord J. Russell.—(Received July 15.)

My Lord, *Vienna, July* 11, 1861.

COUNT RECHBERG mentioned at our last interview, that having received intelligence from Berlin that the French Government supported the proposals which have been lately made to the Danish Government on the subject of an arrangement connected with the affairs of Holstein, he had immediately telegraphed to Baron Kübeck, at Frankfort, to

delay, as long as possible, the adoption of any measures likely to complicate matters. He said the usual period of the vacation was approaching, and he feared that in the anxiety of some of the members of the Diet to get away, a hasty step might be taken, and he had, therefore, done all in his power to prevent it. His Excellency seems to think if tranquillizing assurances are not received from Copenhagen before the recess, that it will be difficult to delay a Federal Execution.

I have, &c.
(Signed) BLOOMFIELD.

No. 105.

Lord A. Loftus to Lord J. Russell.—(Received July 15.)

My Lord, *Berlin, July* 13, 1861.

WHEN I was last with Baron Schleinitz, his Excellency begged me to convey to your Lordship his best thanks for the unceasing efforts which your Lordship has devoted to bringing about an amicable arrangement of the differences between Germany and Denmark, and for the counsels which Her Majesty's Government have lately addressed to the Danish Cabinet, with a view to avoid the recourse by Germany to coercive measures.

His Excellency said that he had not received any positive intelligence from Copenhagen as to the decision of the Danish Cabinet, but that he entertained the best hopes of a favourable result in consequence of the counsels which England and France have given to the Danish Government.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 106.

Lord J. Russell to Mr. Paget.

Sir, *Foreign Office, July* 17, 1861.

I HAVE received and laid before the Queen your despatch of the 11th instant, and I have to approve of the note which you addressed to the Danish Government embodying the advice of Her Majesty's Government relative to the Holstein Budget, and of the language which you used to M. Hall in your interview with him upon the subject.

I am, &c.
(Signed) J. RUSSELL.

No. 107.

Lord Napier to Lord J. Russell.—(Received July 22.)

My Lord, *St. Petersburgh, July* 16, 1861.

PRINCE GORTCHAKOFF has received a telegraphic despatch from the Russian Minister in Denmark, reporting that the representations of Mr. Paget had produced a favourable effect on the Cabinet of Copenhagen. The Minister referred to the suggestion, originated by M. Hall, that the contribution of Holstein to the general revenues of the Monarchy should be abandoned for the present year, with the view of avoiding the armed intervention of the German Confederation. Prince Gortchakoff appeared gratified by this intelligence, but disinclined to take any active part in the prosecution of these negotiations. Russia, he said, had brought her share of counsel and goodwill to the discussion of this question, in common with the other Powers; their efforts had not been crowned with success: for the present he did not see that his intervention could be usefully exerted.

I have, &c.
(Signed) NAPIER.

No. 108.

Lord Bloomfield to Lord J. Russell.—(Received July 22.)

My Lord, *Vienna, July 18, 1861.*

WITH reference to my despatch of the 11th instant, Count Rechberg has informed me that Baron Werther made a communication to him two days ago on the Danish question, by which it would appear that England, France, and also Russia have expressed their opinions so strongly at Copenhagen in favour of an arrangement with Holstein that he is very hopeful of the result.

His Excellency added that he feels confident the chances of an immediate Federal Execution are removed.

I have, &c.
(Signed) BLOOMFIELD.

No. 109.

Lord Napier to Lord J. Russell.—(Received August 5.)

(Extract.) *St. Petersburgh, July 30, 1861.*

PRINCE GORTCHAKOFF has had the goodness to show me a despatch from Baron Brunnow under date of $\frac{\text{June } 30}{\text{July } 12}$, in which his Excellency commends the general correctness of your Lordship's views respecting the relative position and inclinations of the parties directly concerned in the question of Schleswig-Holstein, and refers to your Lordship's opinion that neither party desires to fight, and that it is the business of their friends to find a good excuse for them in not doing so. The Russian Minister alludes with approval to the advice tendered by Her Majesty's Government to the Danish Cabinet, involving the sacrifice of the revenue contribution of Holstein to the common expenses of the monarchy, with a view to the suspension of the Federal Execution in that Duchy. Baron Brunnow states that your Lordship desired to obtain the co-operation of the Russian Government in influencing the Cabinet of Berlin to press for this delay at Frankfort. He adds, however, that in his opinion your Lordship misapprehends the important part which the Diet takes in this affair; that your Lordship does not do full justice to the influence of that body, whose delicate and complicated structure and functions an Englishman is rarely, if ever, able to appreciate, and whose operations can only be seized by those who have had the advantage of residence at Frankfort. In the same despatch Baron Brunnow adverts to the proposal of a Conference in London on this question, as one which had only recently come to his knowledge, and states that on speaking to your Lordship on the subject, he found that you regarded the Conference as a last expedient, and that you preferred the usual course of diplomatic correspondence.

After reading Baron Brunnow's despatch, I asked Prince Gortchakoff whether he had used his influence at Berlin for the purpose desired by your Lordship, namely, to obtain the voice of Prussia at Frankfort on behalf of the suspension of the Federal Execution. Prince Gortchakoff replied that he had done so, and that he warmly desired that our efforts in this sense might be attended with success.

No. 110.

Lord Bloomfield to Earl Russell.—(Received August 5.)

(Extract.) *Vienna, August 1, 1861.*

COUNT RECHBERG said to me at an interview which I had with his Excellency early this week, that a communication had been made to the German Diet from some of the smaller States, naming Saxe-Weimar, Oldenburg, and Coburg, pressing for an immediate Federal Execution in Holstein.

He observed that he had lost no time in telegraphing to Baron Kübeck at Frankfort to do all in his power to prevent this proposition being brought forward at this moment, when there was a chance of arriving at some arrangement with Denmark, because such a proceeding might seriously embarrass all further negotiation on this question. He added that happily M. d'Usedom entered into his opinion of the inopportunity of this project, and that there was every hope it would be frustrated.

The good understanding of Austria and Prussia on this question, said his Excellency, was most fortunate at this moment, and he congratulated himself sincerely in having left the entire management of the Holstein affair to the Cabinet of Berlin.

No. 111.

Mr. Paget to Earl Russell.—(*Received August* 5.)

My Lord, *Copenhagen, August* 1, 1861.

I HAVE the honour to transmit to your Lordship herewith a translation of a despatch addressed by M. Hall to the Danish Ministers in Vienna and Berlin, relative to the renunciation by Denmark of the supplementary Budget for Holstein for the current financial year.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 111.

M. Hall to the Danish Ministers at Berlin and Vienna.

(Translation.) *Copenhagen, July* 29, 1861.

THROUGH the British Minister at this Court, the Royal Government have been informed that the Prussian Minister for Foreign Affairs has communicated a despatch to the English Government, in which its attention has been drawn to the way in which means might be found, if the Danish Government were agreeable, to avert the threatened Federal Execution in Holstein, and at the same time an opportunity be offered to introduce an international negotiation between Denmark and Germany which it is hoped would be a means of easier and more speedy settlement of the Holstein Constitution question. According to this, the Danish Government would make a declaration in the Federal Assembly, or to the Cabinets of Berlin and Vienna, to the following effect:—

That the contribution of the Duchy of Holstein from its separate revenue to the common Budget of the Monarchy should, for the current financial year, be provisionally confined to the quota of Holstein in those sums which appear in the normal Budget of February 28, 1856, as the general contribution from the special revenue of the separate portions of the country, inasmuch as by this means the principal motive of the Confederation for taking further steps in the matter of the Execution will be set aside, as the common laws with reference to Holstein have not been promulgated since the resolution of the Confederation of February 7 of this year, and for the present there is no intention of promulgating any.

The Royal Government having come to the resolution of taking this step, is not alone out of deference to the proposals and advice of the English Government and other friendly Powers, but also is in accordance with its own wish to use every means at its disposal to arrive at a settlement of the existing differences.

But in making the above declaration, in order to avoid all misunderstanding, a more precise *résumé* of the contents and import of it must be given.

All that the Government intend is a provisional decision with reference to the above-mentioned contribution from the special finances of the Duchy of Holstein to defray the common expenses of the Monarchy. They by no means renounce thereby such a future augmentation of this contribution as the requirements of the Monarchy may seem to render necessary. They rather abstain from taking any determination until experience shall have shown them whether the settlement of this question could not be arrived at simultaneously with the regulation of the constitutional and financial position of Holstein which may be expected as the result of the negotiations. As the decision in question has, moreover, exclusively reference to the current financial year, it follows of course that, should the negotiations not lead to the desired result before the time arrives when a resolution must be taken with reference to the Budget of the Monarchy for the future financial period, then the Royal Government can, by the above declaration, be in no way prevented or restrained from regulating the same in such a manner as the requirements of the Monarchy and the consequent obligations of the separate portions of the country may render necessary.

You are hereby requested to furnish a copy of this despatch to the Prussian

(Austrian) Minister for Foreign Affairs, and to acquaint him that a similar one has been this day communicated to the Austrian (Prussian) Government.

I have, &c.
(Signed) C. HALL.

No. 112.

M. Hall to M. de Bille.—(*Communicated to Earl Russell by M. de Bille, August* 12.)

Monsieur, *Copenhague, ce* 2 *Août*, 1861.

DANS les pourparlers qui, sur l'initiative de l'Angleterre et de la Suède, se sont entamés dernièrement entre les Puissances non-Allemandes signataires du Protocole de Londres, le désir général a prévalu que des négociations directes s'engagent entre le Danemark et l'Allemagne qui auraient pour résultat de mettre un terme définitif au différend existant depuis si longtems au sujet de la position constitutionnelle du Holstein et de rendre ainsi superflue toute action ultérieure des Puissances. Dans ce but, et pour déblayer la voie à l'Allemagne pour entrer dans ces négociations internationales, le Cabinet de Londres, après avoir sondé les dispositions de la Prusse, a conseillé au Gouvernement du Roi d'aller au devant de la Diète en restreignant pour l'année financière courante la part contributive du Holstein aux dépenses communes de la Monarchie provisoirement aux prévisions du Budget normal.

Se rendant à ce conseil, que les autres Puissances ont vivement recommandé, le Gouvernement du Roi vient de faire remettre aux Cabinets de Berlin et de Vienne la dépêche que je joins en copie.

Vous vous apercevrez, Monsieur, de la conformité parfaite entre la note de Mr. Paget et cette déclaration; et si le Gouvernement Danois a ajouté les réserves nécessaires pour ne pas préjuger pour l'avenir les points contestés, il a encore agi dans l'esprit et la teneur des conseils donnés, qui entendaient précisément que ces points fussent tenus ouverts pour les négociations éventuelles.

Mais, si le Gouvernement du Roi ne s'est pas refusé à faire la nouvelle concession qu'on lui a demandée comme le prix de négociations internationales avec l'Allemagne et d'une co-opération éventuellement plus directe des Puissances, il doit espérer que cette démarche ne sera pas faite inutilement. Il est en droit à s'attendre à ce que l'Allemagne ne laisse pas s'écouler un temps précieux avant d'entrer dans les négociations projetées et qu'elle y apporte la modération et le désir sérieux de les faire aboutir dans un délai assez court. Et il se flatte de l'espoir que les Puissances non-Allemandes ne réserveront pas leur action pour le moment où les négociations se seraient montrées infructueuses, mais qu'elles suivront celles-ci avec un intérêt pleinement justifié par les circonstances et qu'elles nous assisteront par leur influence auprès des Cours Allemandes. Les nombreuses péripéties de la question Holsteinoise, tout en n'ayant pas amené de résultat, ne sont pourtant pas restées sans laisser les fruits d'une expérience utile. Dans ma circulaire du 11 Mai j'ai exprimé la conviction que le Gouvernement du Roi avait puisée dans les dernières phases que cette question a traversées et d'après laquelle il déterminerait par conséquent ses efforts dans l'avenir. Règler les rapports du Holstein de manière à ce qu'il soit possible au Roi de donner suite aux demandes de la Diète relativement à une position plus autonome de ce Duché, sans porter par là aucune atteinte à l'indépendance des parties de la Monarchie qui n'appartiennent pas à la Confédération, voilà la seule voie pratique à suivre pour arriver à une entente. J'aime à constater que d'après les communications reçues, cette conviction est entièrement partagée par les Puissances; car ce principe doit nécessairement former le point de départ des négociations prochaines. Il est certain qu'aucun résultat ne sera possible si l'on quitte cette trace pour s'égarer dans la recherche des solutions dont l'impraticabilité dans le moment actuel est notoire, tandisque des négociations sérieuses, qui prendront pour but de régler les détails sur la seule base reconnue possible par l'expérience, ne tarderaient pas d'amener la solution acmiable si ardemment désirée et si chèrement achetée par le Gouvernement du Roi.

Je vous prie, Monsieur, de communiquer cette dépêche avec son annexe au Ministre des Affaires Étrangères, et de lui en laisser copie.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, August* 2, 1861.

IN the discussions which, on the initiative of England and Sweden, have been lately entered upon between the non-German Powers who signed the Protocol of London, a

general desire has prevailed that direct negotiations should be opened between Denmark and Germany, the result of which would be to put an end definitively to the dispute which has existed for so long a time with reference to the Constitutional position of Holstein, and thus to render superfluous all ulterior action of the Powers. With this view, and to clear the way for Germany to enter into these international negotiations, the Cabinet of London, after having sounded the disposition of Prussia, have advised the Government of the King to meet the wishes of the Diet by provisionally confining the portion to be contributed by Holstein to the current expenses of the Monarchy for the current financial year to the amount provided in the normal Budget.

Agreeing to this advice, which the other Powers have warmly recommended, the Government of the King has just transmitted to the Cabinets of Berlin and Vienna the despatch of which I inclose a copy.

You will observe, Sir, the perfect conformity between Mr. Paget's note and this declaration; and if the Danish Government have added the necessary reservations in order not to prejudge for the future the contested points, they have still acted in the spirit and according to the tenour of the advice proffered to them, the precise intention of which was, that these points should be kept open for the eventual negotiations.

But if the Government of the King have not refused to make the new concession which has been demanded of them as the price of international negotiations with Germany, and eventually of a more direct co-operation of the Powers, they must hope that this step will not be made in vain. They have a right to expect that Germany will not allow precious time to slip away before entering into the projected negotiations, and that she will bring to them moderation and a serious desire to settle them within a tolerably short period. And they flatter themselves with the hope that the non-German Powers will not reserve their action for the moment when the negotiations will have been shown to be fruitless; but that they will follow the same with an interest fully justified by the circumstances, and that they will assist us with their influence at the German Courts. The numerous changes of the Holstein question, although they have brought about no result, have nevertheless not occurred without leaving the fruits of useful experience. In my circular of the 11th May I have expressed the conviction which the Government of the King have drawn from the last phases through which this question has passed, and according to which they will consequently direct their efforts for the future. To regulate the relations of Holstein in such a manner that it may be possible for the King to comply with the demands of the Diet relative to a more autonomic position for this Duchy, without thereby at all injuring the independence of the portions of the Monarchy which do not belong to the Confederation, such is the only practical method of arriving at an agreement. I am happy to be able to state that, according to the communications which have been received, this conviction is entirely shared by the Powers; for this principle should necessarily form the starting-point of future negotiations. It is certain that no result will be possible if we leave this path and lose ourselves in a search after solutions the impracticability of which is notorious at the present moment; whilst serious negotiations, having for their object the settlement of details on the only possible basis recognized by experience, will not be long in bringing about the amicable solution so ardently desired and so dearly bought by the Government of the King.

I request you, Sir, to communicate this despatch, with its inclosure, to the Minister for Foreign Affairs, and to leave him a copy of it.

I have, &c.
(Signed) C. HALL.

Inclosure in No. 112.

M. Hall to the Danish Ministers at Berlin and Vienna, July 29, 1861.

[See Inclosure in No. 111.]

No. 113.

Sir A. Malet to Earl Russell.—(Received August 12.)

(Extract.) *Frankfort, August* 12, 1861.

AN extraordinary sitting of the Diet is to be held to-day to receive the communication on the Holstein question.

I hope to obtain a copy of this document in time to send your Lordship by this

opportunity, but am in the mean time informed that it is based on the understanding arrived at between Prussia and Denmark at Berlin, under the auspices of Her Majesty's Government, and its tenor must, consequently, be known to your Lordship.

I learn that it is conclusive of the question in the Diet for the present, intimating that the joint Committees see no occasion for a continuation of their deliberations, or of recommending coercive measures.

The Diet's entrance on recess will, I am also assured, be declared in this sitting.

P.S.—I beg to annex translation of the communication to the Diet.

Inclosure in No. 113.

Communication made by the Holstein Committees to the Diet, August 12, 1861.

(Translation.)

THE combined Committees have hitherto abstained from making a further Report on the Constitutional affair of the Duchy of Holstein, in consequence of the Federal Resolution of the 7th of February, since they have been informed confidentially that negotiations were going on, the result of which they judged opportune to await. They have now received, through the Envoys of Austria and Prussia, the information that the Danish-Holsteinish Government has given to their Governments a Declaration, according to which—

1. The extraordinary supplement which the Duchy of Holstein would have to furnish for the present financial year out of its own revenues, beyond the share fixed in the normal Budget of February 28, 1856, is previously abandoned; and

2. No common laws which would be applied to the Duchy of Holstein have been issued since the Federal Resolution of February 7, and no such laws are presently expected.

A further communication of the Governments of Austria and Prussia may be, at a proper time, expected with regard to this Declaration of the Danish-Holsteinish Government, and with regard to the further proceeding in this affair.

In this situation, the combined Committees do not think it necessary for the present to propose that further measures might be taken in pursuance of the Federal Resolution of February 7. As to the further arrangement of the pendant affair, they shall not fail reporting again to the Diet.

No. 114.

Earl Cowley to Earl Russell.—(Received August 14.)

My Lord, *Paris, August* 12, 1861.

THE reports received by M. Thouvenel from Frankfort represent the idea of Federal Execution in Holstein to be abandoned in consequence of the steps lately taken by Denmark in deference to your Lordship's advice.

I have, &c.
(Signed) COWLEY.

No. 115.

M. de Bille to Earl Russell.—(Received August 19.)

My Lord, *London, August* 14, 1861.

IN the course of the conversation I had the honour to have with your Excellency on the 10th instant, your Lordship expressed the wish to have an explanation of the reasons why the Danish Government had not been willing to comply unconditionally with the terms of the Federal Resolution of March 8, 1860, and I promised to furnish your Lordship with a brief statement of the question at issue between the Federal Diet and the Danish Government. I beg now to submit to your Lordship such a statement in the inclosed Memorandum.

I have, &c.
(Signed) TORBEN BILLE.

Inclosure in No. 115.

Memorandum of the Proceedings of the Germanic Diet in the Question of the Duchies of Holstein and Lauenburg.

AFTER having required on the part of the Danish Government the abrogation for Holstein and Lauenburg of the Constitution of 1855, the Germanic Diet next required, by a Resolution of March 8, 1860, that until a new Constitution for the whole Danish Monarchy could be agreed upon, "no law in common affairs (*i.e.*, common to the whole Danish Monarchy), and especially no financial law, should be promulgated for the Duchies (Holstein and Lauenburg) without the consent of the Estates of those Duchies having been obtained, inasmuch as the Diet otherwise would not recognise the legality of such enactments."

This Resolution was founded partly on the allegation that the estates of Holstein had, under the Danish Decrees (of 1831 and 1834), instituting the Provincial Estates, possessed a right of being heard in all common affairs without exception; and partly on the allegation that the Proclamation of the King of Denmark, of January 28, 1852, had either conceded or, at least, promised the Estates a deliberative authority in all such matters.

The Danish Government replied by denying that the consultative authority conferred on the Provincial Estates, instituted 1831 and 1834, had extended to all common affairs, and more particularly that those Estates had ever been consulted as to the appropriation of the revenues and resources of the whole State. The Danish Government further denied that the Proclamation of January 28, 1852, contained any promise of a deliberative vote being given the Estates in all those matters on which they had formerly, either by right or merely by custom, been consulted, and maintained that such a deliberative vote was only promised the Estates of the Duchies for those (local) matters which specially concerned the Duchies.

The Danish Government declared it to be impossible to comply with the terms of the Federal Resolution, as being incompatible with the conventional arrangement (*i.e.*, the plan of an organisation of the Danish Monarchy promulgated by the Proclamation of January 28, 1852), which had been agreed upon by all parties.

As a special reason for not complying with the Federal Resolution, it was moreover stated that the regulation and conduct of the common affairs of the whole Monarchy could not be left to the chance agreement of two different and separate Representative Assemblies, acting independently of one another. Besides, of these two Assemblies, the one for Holstein had been instituted solely for Provincial purposes, and the Government did not, therefore, stand to it in the same relation that it did to the other Assembly, the Rigsraad (Parliament), which on the contrary had been expressly instituted for the purposes of a common legislation. Nor could the Danish Government allow that the definitive organisation of the Danish realm, as one collective Monarchy, should be left to the decision of the Holstein Estates, which, practically, would be the case if those Estates were allowed the authority claimed for them by the Resolution of the Diet.

The Danish Government, however, called the attention of the Federal Diet to the circumstance that, as the Rigsraad (Parliament) would not be convoked till after an interval of two years, no legislation in common affairs for the whole Monarchy would, in the meanwhile, take place, and thus, practically, a contravention of the Federal Resolution be avoided for the present, whilst time would be afforded for coming to an agreement as to the Constitutional re-organisation of the Monarchy.

The Diet afterwards (February 7, 1861) deemed that a contravention of the Federal Resolution had, nevertheless, taken place by the publication, July 3, 1860, of the Budget for 1860-61. The Danish Government denied that such was the case, inasmuch as the Budget in question, though not published before July 3, 1860, had been decreed as early as September 25, 1859, or many months before the adoption of the Federal Resolution of March 8, 1860, which could not be understood as having a retroactive force.

No. 116.

Earl Russell to Mr. Paget.

Sir, *Foreign Office, August* 21, 1861.

I TRANSMIT to you herewith copies of documents given to me by the Danish Minister, M. Bille, on the 10th instant.*

* No. 112 and Inclosure.

With regard to the immediate question, namely, that of averting Federal Execution by concessions on the part of Denmark, it appears to Her Majesty's Government that the Danish note to Austria and Prussia is satisfactory.

The Danish Government could not be expected to make permanent concessions with a view to obtain a temporary respite.

With regard to a final settlement of the questions pending between Germany and Denmark, I find this sentence in M. Hall's despatch to M. Bille:—"Régler les rapports du Holstein de manière à ce qu'il soit possible au Roi de donner suite aux demandes de la Diète relativement à une position plus autonome de ce Duché, sans porter par là aucune atteinte à l'indépendance des parties de la Monarchie qui n'appartiennent pas à la Confédération, voilà la seule voie pratique à suivre pour arriver à une entente."

This sentence requires explanation. Her Majesty's Government are not aware in what manner the compliance of Denmark with the demands of the German Diet in respect of Holstein would affect the independence of the other parts of the Danish Monarchy. You are instructed to ask for explanations from M. Hall upon this subject. At the same time you will say that Her Majesty's Government do not wish at all to interfere in the direct negotiations between Germany and Denmark.

I am, &c.
(Signed) RUSSELL.

No. 117.

Earl Russell to Mr. Paget.

Sir, *Foreign Office, August* 21, 1861.

I FORWARD to you, for any observations which you may have to offer thereon, a copy of a note from the Danish Minister at this Court,* forwarding "a memorandum of the proceedings of the Germanic Diet in the question of the Duchies of Holstein and Lauenburg."

I have only to add that it is desirable that the Government of Denmark should fully explain at Berlin and Vienna their difficulties and their proposals for an agreement.

I am, &c.
(Signed) RUSSELL.

No. 118.

Lord A. Loftus to Earl Russell.—(Received August 26.)

My Lord, *Berlin, August* 24, 1862.

I HAVE the honour to forward to your Lordship herewith, a translation by Mr. Fraser of a despatch addressed by the Prussian Minister for Foreign Affairs to the Prussian Representative at Copenhagen for communication to the Danish Government, in which the Prussian Minister conveys his thanks to M. Hall for the communication which had been made to him in regard to the question of Holstein.

The Prussian Minister then proceeds to correct the impression that the counsels of Her Majesty's Government to the Danish Cabinet had been given at the instigation of Prussia.

He further observes, with reference to the term "international negotiations between Germany and Denmark," that this interpretation can only be understood as applying to those portions of the Danish Monarchy which are not included within the territory of the Germanic Confederation. He concludes by observing that all that the Germanic Confederation can look to in the regulation of the financial question is that it shall be effected in a regular constitutional form, and with the assent of the States.

Your Lordship will see with satisfaction that this despatch of the Prussian Government is expressed in the most conciliatory and friendly terms.

I have, &c.
(Signed) AUGUSTUS LOFTUS

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* No. 115.

Inclosure in No. 118.

Baron Grüner to M. de Balan.

(Translation.) *Berlin, August* 12, 1861.

THE Danish Minister has communicated to us, by direction of his Government, a copy of the despatch which the Copenhagen Cabinet addressed on the 29th ultimo to its Representative at Berlin and Vienna, with reference to the question of the Constitution of the Duchy of Holstein, the contents of which you have already been made acquainted with, as I learn from your despatch, by the kindness of the President of the Council.

I only awaited the result of a communication to Vienna, which this step, taken at both Courts at the same time, rendered necessary, in order to accompany the request that you would convey to M. Hall our thanks for the communication made to us with the announcement that we, in conjunction with the Austrian Court, have caused the declaration submitted to us to be laid before the joint Committees of the Diet of the Confederation. Their business it will be to proceed to make a careful report to the Diet, and we believe we may assume that the Committees will in a few days report upon it to the body of the Diet.

The endeavours, however, of the Cabinet of London to induce the Danish Government to make a declaration in the sense of the despatch of the 29th of July were not made, as M. Hall affirms in the beginning of his despatch, at the instance of Prussia; they arose, much rather, from the earnest wish of the British Government to obviate, if it were at all possible, an act of Execution on the part of the Confederation. But, nevertheless, in the interest of that amicable understanding which cannot but be most earnestly desired by us, it completely satisfies us that the Danish Government should have lent a favourable ear to the counsels of England and other friendly Powers.

The declaration by which the Danish Government confines itself provisionally for the current financial year, with respect to Holstein, to the Normal Budget of 1856, and declares that laws intended to have effect for the whole State have not been promulgated in Holstein since the Dietal Decree of February 7th, and that none such are contemplated at present, makes it possible for the Confederation—so it appears to us, and we have expressed ourselves in this sense at Frankfort—to relinquish executive steps for the present and to enter again into quiet discussions with the Copenhagen Cabinet in order to attain an amicable arrangement.

In the meanwhile, I should wish to interpose the remark that whereas M. Hall describes the negotiations to be commenced as "international" between Germany and Denmark, this character can, to speak accurately, be attributed to them only in so far as there may be question of discussing the relations of those parts of the Danish Monarchy which belong to the German Confederation to those without the Confederation.

Lastly, to make one further remark, it is beyond a doubt, from all negotiations hitherto, that the Diet lays stress upon the maintenance of the Normal Budget, merely because, for the present, no further Budget has received the necessary ratification of the States. Should the necessities of the Monarchy require a higher Budget, whether for the current financial period, or for the next one, it follows, of course, that the Government will not consider itself hindered in any way by the declaration it has just made from taking measures for an additional proportionate raising of the Budget; only they must bear this in mind, and the Confederation will have to see that it is so, that this is done in a regular Constitutional way, and especially therefore that it shall not take place without the consent of the States.

We think that the reservation at the end of the despatch of the 29th July will be done away with by these remarks, and in a manner calculated, we hope, to set the Copenhagen Cabinet entirely at ease.

No. 119.

Mr. Paget to Earl Russell.—(Received August 26.)

My Lord, *Copenhagen, August* 22, 1861.

IN making the recent concession respecting the Holstein Budget, the Danish Government were under the impression that it would lead to Austria and Prussia receiving the mandate of the Diet, and thus rendering possible the commencement of the direct negotiations spoken of in Baron Schleinitz's despatch to Count Bernstorff.

It appears that no direct or positive authority was conferred on two Powers before the separation of the Diet for the holidays, and M. Hall fears, from the information he has

received, that the Vienna and Berlin Cabinets will not undertake to do more than submit to the Diet, on its re-assembling, any proposals which may be made by Denmark. He has directed the Danish Ministers in Austria and Prussia to make inquiries on this point.

If M. Hall's fears are correct, it is clear that the two months, or more, during which the Diet will be separated, and which the Danish Government were in hopes would be utilized for advancing matters towards a definite understanding, will be wasted.

This may be a matter of indifference, if not of desire, to the German Powers, but the case is not the same with the Danish Government, whose position is already somewhat shaken by the reception their concession has met with in this country, and who looked to justify themselves to the fact that it had led to the commencement of negotiations for a final result. Unless these negotiations have, at all events, begun by the period when the Rigsraad ought to meet (the beginning of October), it will be difficult to know on what plea the Danish Government can recommend the prorogation of that Assembly till January.

I have, &c.
(Signed) A. PAGET.

No. 120.

Earl Russell to Lord A. Loftus.

My Lord, *Foreign Office, August* 28, 1861.

I TRANSMIT to you herewith a copy of a despatch from Her Majesty's Minister at Copenhagen,* stating that fears are entertained by the Danish Government that the commencement of the direct negotiations with Germany on the Holstein question will be delayed; and I have to instruct your Lordship to inquire and to report to me whether there is any foundation for M. Hall's apprehensions.

I am, &c.
(Signed) RUSSELL.

No. 121.

Mr. Jocelyn to Earl Russell.—(Received September 2.)

My Lord, *Berlin, August* 31, 1861.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch to Lord Augustus Loftus of the 28th instant, in which his Lordship is instructed to endeavour to ascertain whether it be true, as is feared by the Danish Government, that direct negotiations with Germany on the Holstein question will be delayed; and to inform your Lordship that I saw M. Eichmann at the Foreign Office this morning, and in the course of conversation I put to him the above question.

He replied that he regretted being unable to afford any information on the subject, and he gave me to understand that Baron Schleinitz was the only person who would know when negotiations between Prussia and Denmark might be expected to commence.

I have, &c.
(Signed) NASSAU JOCELYN.

No. 122.

Earl Russell to Lord A. Loftus.

(Extract.) *Foreign Office, September* 6, 1861.

I HAVE great pleasure in conveying to your Lordship the approval of Her Majesty's Government of your judicious conduct in the recent negotiations on the affairs of Holstein, which have led to a respite on the question, and even afford hopes of a solution of all existing difficulties, if not of a final and permanent settlement.

The direct negotiations between Denmark and Germany will probably not lead to an agreement, but you will watch their progress. In doing so it is of importance that you should retain a purely observant attitude, and not interfere or appear to interfere during this stage of the negotiations.

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* No. 119.

No. 123.

Mr. Paget to Earl Russell.—(Received September 9.)

My Lord, *Copenhagen, September 5, 1861.*

WITH reference to your Lordship's despatch of the 21st of August, inclosing a copy of a letter and a memorandum from M. Bille relative to the proceedings of the Germanic Diet in the question of the Duchies of Holstein and Lauenburg, I have the honour to inform your Lordship that, having attentively perused M. Bille's memorandum, I am of opinion that it is a correct statement, both in regard to the proceedings of the Diet and to the reasons of the Danish Government for resisting them.

It may be of assistance to your Lordship, in forming a judgment on the merits of the arguments advanced on either side relative to the obligations of the Patent of January 28, 1852, to have such portions of that document before you as bear more immediately on the points at issue. Some translated extracts of it are, therefore, herewith inclosed.

In reference to the assertion of the Danish Government, that unconditional compliance with the Federal Resolutions of March 8, 1860, and February 7, 1861, would place the affairs of the whole monarchy in a position of dependence on the Holstein Assembly, I beg leave to refer your Lordship to my despatches of January 31 and February 6 of this year,* for an exposition of the grounds on which M. Hall founded this argument. His Excellency's reasoning would appear to be justified by the subsequent proceedings of the Holstein Assembly, but it may well be doubted whether the Confederation would be prepared to support the States in such extreme pretensions as they put forward in their recent session.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 123.

Extracts from Royal Patent of January 28, 1852, relative to Holstein and Lauenburg.

AS in consequence the undiminished preservation of our Monarchy in its whole territorrial extent will, by the assistance of the European Great Powers, be secured for the future, in the same way the connection of the different portions of the Monarchy will be upheld and secured; firstly, by the Administration common to all, and next by a common (general) Constitution, for the early introduction of which we will take the necessary steps as soon as possible.

Insomuch that there cannot be any doubt as to our firm determination to uphold sacredly the Ordinances of the Danish Constitution, in the same manner we will by Constitutional means let our Provincial States for our Duchy of Schleswig, as well as the Provincial States for our Duchy of Holstein, assume such a development that each of these Duchies retains with respect to the affairs coming under the deliberative sphere of action of the Provincial States, a Chamber ("ständische") Representation with due power.

In order to effect this, a project of law for these two Duchies will be worked out, which will be laid before the Provincial States for consideration, in accordance with Section 8 in the Common Law of May 28, 1831, and the final decision of the Regulations of May 15, 1834.

As soon as our Sovereign power shall have been completely restored in the Duchy of Holstein, this Duchy is to be administered according to the existing laws, which can only be altered by Constitutional means.

Respecting the Constitution of our Duchy of Lauenburg, we will, after previous Constitutional deliberation with our faithful Nobles ("Ritterschaft") and Commons ("Landschaft") make known our Royal intentions.

Our relations as Member of the Germanic Confederation for the Duchy of Holstein and Lauenburg remain unaltered.

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* See "Correspondence respecting the Affairs of the Duchies of Schleswig and Holstein," presented to Parliament in 1861, pages 136 and 137.

No. 124.

Lord A. Loftus to Earl Russell.—(Received September 16.)

My Lord, *Berlin, September 14, 1861.*

I INQUIRED yesterday of M. de Sydow whether any, and what, steps had been taken by the Diet previous to its prorogation, with reference to the opening of direct negotiations between Germany and Denmark on the subject of the Holstein differences.

I observed to his Excellency that the Danish Rigsraad would meet on the 5th proximo, and that the Danish Ministers, against whom violent attacks had been made by the Danish press for the course they had taken in making the late Declaration to the Diet, would be placed in a difficult and embarrassing position, if they were unable on the meeting of the Rigsraad to give some satisfactory assurances with respect to the period when the direct negotiations with Germany should be opened, and to the form which these direct negotiations should assume. I presumed, I added, that as on a previous occasion, the two great German Powers would be authorized by the Diet to treat with Denmark in its name, for it appeared to me impossible that the negotiations could be carried on by thirty-six States.

M. de Sydow replied that, as yet, nothing had been done in regard to these negotiations previous to the separation of the Diet. It would be necessary, he said, in the first instance to consult with their German Confederates as to the basis on which these negotiations were to be conducted, and that no decision with reference to the form of carrying on these negotiations would be taken until the re-assembly of the Diet, which probably would not take place until the middle of October.

As his Excellency appeared wholly uninformed on this subject, I requested him to refer the subject to Baron Schleinitz, and to submit to him the desirableness, both as a conciliatory step towards Denmark and also as an act of justice towards the Danish Ministry, that some early decision should be taken as to the commencement of negotiations, which would enable the Danish Government to justify themselves before the Rigsraad and the country for the measure they had taken.

M. de Sydow promised me that he would refer this question to Baron Schleinitz.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 125.

Mr. Paget to Earl Russell.—(Received September 23.)

My Lord, *Copenhagen, September 19, 1861.*

I ASKED M. Hall to-day if he had received any reply from Berlin to the despatch dated the 29th of July last addressed to the Danish Minister at that Court.

His Excellency said he had heard from M. Quaade, whom he had instructed to ascertain the intentions of the Prussian Government as to the negotiations, that nothing could be done during the present state of transition in the Prussian Foreign Department; and that, moreover, he had been informed by the *locum tenens* of Baron Schleinitz, that the Prussian Government not having the authority of the Diet could not enter upon these negotiations until that Assembly met.

Since my interview with M. Hall, my Prussian colleague has called upon me, and having imparted to him what I had learnt from his Excellency, M. de Balan expressed to me his conviction that there was some misunderstanding as to the latter part of the reply transmitted by M. Quaade, and that his Government would not avail themselves of such an excuse as that of not having the authority ("mandat") of the Diet for not entering into communication with the Danish Government on the subject matter of the despatch of the 29th of July. This authority would be required, M. de Balan added, for concluding any formal act, but could not be necessary for entering on a preliminary discussion of the views of the respective Governments as to an arrangement.

I have, &c.

(Signed) A. PAGET.

No. 126.

Lord A. Loftus to Earl Russell.—(*Received September* 23.)

My Lord, *Berlin, September* 21, 1861.

I AM informed by my colleagues of France, Russia, and Sweden, that in pursuance of instructions from their respective Governments, they have inquired of the Prussian Government what progress is making or has been made towards opening direct negotiations between Germany and Denmark on the subject of the Holstein differences, and have urged the early commencement of these negotiations as a matter of justice towards the Danish Ministry, who, on the faith of assurances given, had been induced to make the concession to Germany contained in the late Danish declaration to the German Diet.

The same answer was returned to their several inquiries which was given to me by M. de Sydow, namely, that during the vacation of the Diet no steps could be taken on the subject of these negotiations, and that it would be necessary for Prussia to confer with her German allies, and to arrange the basis and form in which these negotiations should be carried on, before expressing any opinion thereon.

Until the resumption of the Foreign Department here by a responsible Minister for Foreign Affairs, it is useless to attempt to treat on this or any other question of political importance.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 127.

Mr. Paget to Earl Russell.—(*Received September* 28.)

(Extract.) *Copenhagen, September* 24, 1861.

I REGRET extremely an inadvertence I committed, in my despatch of the 19th instant, in stating that I had inquired of M. Hall if he had received any answer from Berlin to his despatch of the 29th of July. My inquiries had reference to a subsequent communication addressed by his Excellency to the Danish Minister at that Court, but having just had a conversation with my Prussian colleague, who made frequent mention of the despatch of the 29th of July, in the manner I reported, I referred, without reflecting, to that date in my despatch to your Lordship.

The despatch of the 29th of July was answered by the Prussian Government, as your Lordship is aware.

I have now to state that on the Prussian despatch being communicated to M. Hall, his Excellency instructed M. Quaade, the Danish Minister at Berlin, to inform the Prussian Government that the Danish Government was perfectly ready and prepared to begin the negotiations, and to inquire in what manner the Prussian Government would wish to carry them on, whether by an interchange of despatches, or by Commissioners who should be appointed for this purpose. The only answer to this communication has been that which I reported to your Lordship in my despatch of September 19, viz., that nothing could be done during the present transitory state of the Prussian Foreign Office; and, moreover, that Prussia not having the authority of the Diet could not enter upon negotiations until the Diet met. I should add that a communication to the Danish Government, which M. Quaade understood would be in the above sense, was promised within a few days to be sent through M. de Balan, the Prussian Minister here.

No communication, however, has as yet been received, and every day which passes increases M. Hall's anxiety on the subject.

As I observed on a previous occasion, a delay of some weeks may be a matter of indifference to the German Governments, but it is one of paramount importance to that of Denmark. They have made a concession by no means popular in the country, and they have done so for an express object, that of obtaining negotiations, which they confidently anticipated would take place at once (the temporary postponement of the Execution being a matter of secondary consideration with them). The time is fast approaching when, according to the terms of the Constitution, the Government will have to meet the Representatives of the nation, and to give an account to them of the motives and object of their previous policy, as well as to lay before them a Budget for the new financial period; an explanation of their motives, unless they can at the same

time show some result, can only expose the Government to the accusation of having been duped; and, with reference to future financial arrangements, it is difficult to see how they can be formed until it is decided what is to be the position of Holstein. The only way of avoiding the difficult and painful position in which the Government will find themselves before the Rigsraad is, by its prerogative; but on what plea can it be prorogued, unless some sort of opening in the negotiations has been made?

Such is very much the sense of the observations which have been recently addressed to me by M. Hall. His Excellency is disposed to admit, up to a certain point, the validity of the excuse for delay arising from the Ministerial change taking place in Berlin; but he cannot but regard as a subterfuge the assertion that Prussia has no authority from the Diet to negotiate.

I have informed his Excellency what has been told me by M. de Balan on this subject, as reported in my despatch of the 19th instant; but he declares that nothing can be more positive than the report of M. Quaade, as to what passed in his interviews with Baron Grüner in the first instance, and subsequently with M. de Sydow; and he observes, with much reason, that in the absence of any more formal communication, he can only be guided by the information he receives through the medium of His Danish Majesty's Minister.

No. 128.

Mr. Lowther to Earl Russell.—(Received September 30.)

My Lord, *Berlin, September 28, 1861.*

I YESTERDAY learnt from M. de Quaade, the Danish Minister, that M. de Sydow had informed Baron Järta, the Swedish Minister, he had addressed a communication to the Prussian Representatives in London, Paris, Stockholm, and St. Petersburgh, which would explain why the Prussian Government had not yet entered upon direct negotiation with Denmark upon the Holstein difference. This communication bore the date of the 24th instant, but M. de Sydow had not divulged anything as to its contents. The Danish Minister expressed himself as firmly convinced no steps would be taken in the matter till some responsible Minister was at the head of the foreign affairs in this country. This latter statement agrees entirely with M. de Sydow's language to me this morning, which was to the effect that the new Minister for Foreign Affairs should be able to enter upon the negotiations with his hands entirely free.

He added that many (of course not all) of the Governments forming the German Confederation must first be consulted as to the subjects of negotiation, and he believed that the Austrian Cabinet entirely agreed with that of Prussia on the principal heads of the negotiation.

I have, &c.
(Signed) W. LOWTHER.

No. 129.

Earl Russell to Mr. Lowther.

Sir, *Foreign Office, October 2, 1861.*

I INCLOSE herewith a copy of a despatch from Her Majesty's Minister at Copenhagen,* stating the anxiety of the Danish Government at the delay in the commencement of the negotiations with the Prussian Government on the subject of the Danish Duchies; and I have to instruct you to inquire of Count Bernstoff as to the facts mentioned in Mr. Paget's despatch.

I am, &c.
(Signed) RUSSELL.

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* No. 127.

No. 130.

Mr. Lowther to Earl Russell.—(Received October 7.)

My Lord, *Berlin, October 5, 1861.*

WITH reference to your Lordship's despatch of the 2nd instant, inclosing copy of a despatch from Mr. Paget stating the anxiety of the Danish Government at the delay in the commencement of the negotiations with the Prussian Government on the subject of the Danish Duchies, and instructing me to inquire of the Minister of Foreign Affairs as to the facts mentioned in that despatch, I have the honour to state that I waited upon M. de Sydow, and communicated to him the substance of Mr. Paget's despatch of September 24.

M. de Sydow informed me that before entering into any sort of negotiation with the Danish Government on the subject of the Duchies, the Prussian Government must first consult with the other German Powers as to the nature of the negotiations, more particularly with Austria; that Prussia had no authority or mandate from the German Confederation to negotiate, and that it would be most imprudent for the Prussian Government to begin the proposed negotiations before Count Bernstorff entered upon his new duties.

He stated that he had addressed last week a communication to M. de Balan, the Prussian Minister at Copenhagen, explaining the cause of the delay; and I learnt from M. de Quaade, the Danish Minister, that the communication M. de Sydow alluded to was probably dated September 23, so that M. de Balan could not have been in possession of it when Mr. Paget's despatch above referred to left Copenhagen.

I inquired if the Prussian Chargé d'Affaires in London has been furnished with a copy of that despatch to M. de Balan; and if he had been instructed to communicate it to your Lordship. His Excellency said Count Brandenburg had not been instructed to communicate it, but to speak in that sense. He added, the views of the Prussian Government on the nature of the future negotiations had been already communicated to Count Rechberg, who had expressed his entire concurrence in them.

I have, &c.
(Signed) W. LOWTHER.

No. 131.

Earl Cowley to Earl Russell.—(Received October 11.)

My Lord, *Paris, October 10, 1861.*

AS it appears from copies of the correspondence with which your Lordship has furnished me from Berlin and Copenhagen, that the Prussian Government has done nothing towards opening fresh negotiations for the settlement of the Holstein question, I asked M. Thouvenel this afternoon whether anything had passed between him and the Prussian Government upon the subject.

His Excellency replied that he had seen M. de Bernstorff on the passage of the latter through Paris, and had mentioned the subject to him, but that he had been met by the excuse that the Count could say nothing until he had made himself master of the subject.

M. Thouvenel has since written both to Vienna and Berlin, urging on both Governments the duty of not neglecting this question.

I have, &c.
(Signed) COWLEY.

No. 132.

Mr. Paget to Earl Russell.—(Received October 15.)

(Extract.) *Copenhagen, October 7, 1861.*

M. ORLA LEHMANN called upon me a few days after his entrance into the Ministry. He spoke at some length respecting Schleswig. He said that the discontent prevalent in that Duchy was the result of political agitation, and was not founded on any just grounds. He denied the existence of mal- or partial administration, and referring to the regulations respecting the languages for schools and churches in the

mixed districts, appealed to me whether they could be planned on a more just or equitable system.

I replied that whether the principle was a fair one or not, depended on the feelings of the population to which it was applied. If the population was equally divided, nothing could be said against it; but if, as I had reason to believe, in many of the parishes there was a considerable majority of German inhabitants, I thought it unnecessary and unjust that the education of their children and the service of the church should be carried on in a language which was foreign and distasteful to them.

M. Lehmann replied that when things calmed down local changes in these matters might possibly be made, but the system, as a system, could not, and as long as he was in the Ministry never should, be changed. Moreover, until the Holstein question was settled, nothing whatever, he added, could be done. The slightest concession by Denmark would be taken as an act of weakness, and would be placing new weapons in the hands of their enemies.

I had been at some pains, I said, to ascertain the truth, and by your Lordship's authority I had employed a person to visit the Duchy and report upon the real state of things. It appeared from this report that the populations of the mixed districts were in many instances subjected to much petty annoyance and vexation on the part of the subordinate officials of the Danish Government; that there was much discontent respecting the language question; but that there was no inclination or desire, except on the part of some individuals suspected of being agents of the German party, for a junction with Holstein, and still less with Germany. Amongst the individuals alluded to great apprehension appeared to prevail lest the Danish Government should remedy the evils which were really well founded, as the principal means for keeping alive the agitation and underhand warfare now carried on would thus be destroyed. Such being the case, I could not but hold the opinion, I said, that the Danish Government would do well to proceed at once with measures of reform; the more so as if the intentions of the Government respecting the future position of Holstein were what I understood them to be, the measures which I advocated would tend to divest the new arrangements of the tendency towards the incorporation of Schleswig which would, perhaps, in some quarters be assigned to it.

On the mention of the word "incorporation," M. Lehmann exclaimed that much misapprehension and misunderstanding existed as to the meaning of this word. Schleswig had, he said, been politically incorporated with Denmark in 1720, and the act had received the sanction and the ratification of England, France, Russia, and Sweden. If it was intended, however, to assert that the Danish Government intended any violent measure, such as depriving the Duchy of its provincial representation, and applying to it the fundamental law of 1849, that was an error. This was the programme of the Society of the Dannewirke, to which M. Lehmann said he was entirely opposed. I said I heard this assurance with satisfaction.

In reference to a remark I made that the changes to be introduced might be left to the Diet of Schleswig, M. Lehmann replied what I have already on other occasions reported to your Lordship as having been said by M. Hall, that the present Schleswig Diet is not a correct representation of the feelings of the Duchy. By the action of the existing electoral law, a preponderating influence accrues to the large landed proprietors and prelates who are all in the interest of the German party. The result is seen by none of the measures, even of a non-political character, proposed by the Government being allowed to pass. I suggested the possibility of the Electoral Law being modified, but the answer was the same, "Nothing till we have settled our affairs with Germany."

The information I derived from M. Lehmann as to the mode in which this settlement is to be effected was in entire conformity with what I have learnt from M. Hall, and reported at various times to your Lordship. Holstein is to be placed in a position of greater autonomy and independence, but certain links over and above the personal one are to be preserved. As I have reason to believe that in the opinion of Her Majesty's Government a total separation on the footing of Luxemburg and Holland would be the best arrangement, I asked Mr. Lehmann why this was not adopted.

His reply was that the interests and institutions of Luxemburg and Holland had never been mixed up together in the same manner as those of Denmark and Holstein; here the connection had been for centuries, and there were certain affairs which it was absolutely for the advantage of both parties to keep in common. Holstein ought to have a separate army, he said, and to pay a fixed amount towards the navy.

As certain preconceived ideas, derived probably from M. Lehmann's previous political career, appear to prevail relative to the effect which his entrance into the

Government was likely to produce upon its policy, I have thought it important to report his views to your Lordship in some detail. They are, I have no doubt, completely shared by his colleagues, over whom his marked ability cannot fail to exercise considerable influence.

On the one hand any hope of immediate reform in Schleswig must, I conceive, be abandoned; but on the other I see no reason to apprehend the adoption of any measures calculated to embroil still further the relations of this country with the German Confederation.

No. 133.

Mr. Paget to Earl Russell.—(Received October 23.)

My Lord *Copenhagen, October 19, 1861.*

I HAVE the honour to transmit to your Lordship a translation of the despatch addressed by M. Hall on the 11th of this month to M. Quaade, the Danish Minister at Berlin, in reply to the despatch of the Prussian Government of the 22nd ultimo, relative to the proposal made by Denmark for the immediate opening of negotiations respecting the future constitution and position of Holstein.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 133.

M. Hall to M. Quaade.

(Translation.)

Sir, *Copenhagen, October 11, 1861.*

IN reply to the renewed invitation addressed by you to the Prussian Government to declare themselves with reference to the period and the form of the proposed negotiations respecting the question of the Holstein Constitution, the Prussian Minister has now communicated to me the despatch of which the accompanying one is a copy.* From it you will learn that the Prussian Government fully share our wish to hasten the negotiations as much as possible, and especially admit how desirous they are to arrive at a result on the subject before the expiration of the present financial year, when it will be absolutely necessary for His Majesty the King to regulate the quota-part of the Duchy of Holstein towards the common expenses of the State.

The greater the satisfaction it affords us to learn from these assurances how entirely the Prussian Government agree with us as to the urgency of a speedy opening of the said negotiations, the more it has surprised us that the Prussian Government postpone giving a decided answer even on the subject of the purely formal points, the settlement of which must precede the negotiations. Our fear that by this means not only will valuable time be lost, but a successful conclusion of the proposed compromise will be endangered, appears to us the more founded, as we cannot agree with the views which have decided the Prussian Government to withdraw from an immediate commencement of the proposed negotiations.

It is true that no difference of opinion can exist on the point that any agreement can only obtain full validity by its approval on the part of the German Confederation, and in consequence it is probably presumed by all parties, and it is by no means disputed by us, that the result of the intended direct negotiations would, in due course, have to be laid before it for approbation. This, however, by no means prevents the two great German Powers, as the natural representatives of the German Confederation with respect to foreign countries, from preparing an arrangement by direct diplomatic negotiations. Such a view of their power is the more specially confirmed by the peculiar position which they have taken, during many years, in the Holstein question; which position, according to our judgment, has been recognised by the German Confederation, inasmuch as it has taken no offence in consequence of the said Powers having on former occasions, and without any special authority, commenced negotiations with the Government on this very subject. The same recognition appears to us to be made evident in the Report presented on the 12th August by the United Committees, who account for the delay in its presentation by the presumption of pending negotiations, and, after due consideration of the declaration of

* Inclosure 3 in No. 134.

the Royal Government, received through the medium of the great German Powers, express the hope that other communications from Austria and Prussia with regard to the further proceedings in the matter will be received. That the Confederation also held this view appears sufficiently clear from the reason that it approved the proposal of the Committees, and immediately after adjourned for a lengthened period without otherwise taking any decision on the subject of the prosecution of these negotiations.

It will be easy for the Prussian Government to assure themselves that the same views are shared by the Powers who, in the interest of peace, have endeavoured to give the earlier Federal negotiations a new and international character, with a view to open greater prospects of a speedy and beneficial result, and upon whose pressing advice the Government agreed to the sacrifices by which this advantage was to be obtained.

But when the Prussian Government only recognise as their next task, in the present state of the case, the taking the preliminary steps to arrive at an agreement with their Federal allies ("Bundesgenossen") on the subject of an early opening of the negotiations and their material progress, then I cannot forbear to express the fear that, in this manner, negotiations, to which it was intended to give a perfectly new and freer character, will smoothly move into the former course, which, with regard to the desired successful compromise, remained without result.

Under these circumstances, and as the stipulated term ("Frist") before the expiration of which His Majesty the King will be obliged, without previous arrangement with the German Confederation, to consider what his duties to the people confided to him require of him is but brief, I desire you, while you again refer to the communication made by the Government to the effect that they have long been prepared to enter without delay upon the negotiations agreed upon, to declare to the Minister for Foreign Affairs that the Royal Government must decline all responsibility for neglect of availing themselves of the moment which, in their opinion, is the most favourable.

I request you to furnish the Minister for Foreign Affairs with a copy of this despatch.

I have, &c.
(Signed) C. HALL.

No. 134.

M. de Bille to Earl Russell.—(Received October 28.)

My Lord, *London, October 24, 1861.*

I HAVE the honour, by order of my Government, to communicate to your Excellency the inclosed copy of a circular addressed to me by His Danish Majesty' Minister of Foreign Affairs.

I have, &c.
(Signed) TORBEN BILLE.

Inclosure 1 in No. 134.

M. Hall to M. de Bille.

Monsieur, *Copenhague, le 18 Octobre, 1861.*

J'AI l'honneur de vous envoyer ci-joint copie de notre correspondance avec le Cabinet de Berlin en vue de l'ouverture des négociations projetées.

Dès le lendemain de la déclaration que nous avons faite dans le but de voir s'ouvrir sans délai ces négociations, nous avons été prêts à les commencer, et sans perdre un instant du temps précieux nous avons à différentes reprises engagé la Prusse à les entamer. Le Cabinet de Berlin vient de répondre à cette invitation, je regrette de le dire, d'une manière très peu satisfaisante.

Dans sa première partie la dépêche Prussienne décline toute compétence pour ouvrir les négociations avec nous. Elle rappelle que l'entente éventuelle doit avoir lieu entre l'Allemagne et le Danemark. Par conséquent les négociations ne peuvent se faire qu'entre ces mêmes parties intéressées. La Prusse n'ayant aucun droit à agir pour la Diète, et celle-ci étant en vacances jusqu'au mois de Novembre, il faut nécessairement attendre ce terme pour entrer en négociations. Voilà en substance le raisonnement du Gouvernement Prussien.

Toute cette argumentation est aussi peu concluante que le refus de la Prusse d'ouvrir les négociations sans delai est compromettante pour leur issue.

Chacun sait que l'organisation de la Diète ne se prête guère à la conduite de négociations internationales, aussi en pareille occurrence l'a-t-on toujours vue agir par mandataires. Et cette manière de traiter devient doublement nécessaire dans une question dont une opinion publique exaltée s'est emparée depuis longtemps, et dans laquelle elle ne manquerait pas d'exercer une pression funeste sur des négociations dont le secret ne pourrait jamais être gardé au sein d'une Assemblée composée d'éléments si nombreux et si divers. Comment concilier enfin la conviction universelle de l'urgence de ces négociations avec l'intention supposée de la Diète d'en prendre elle-même la conduite en main, lorsque pendant la plus grande partie du temps dont il peut être question pour les négociations, ses travaux subissent une suspension complète à cause des vacances ordinaires? A coup sûr, c'est avec la Diète que l'entente définitive doit avoir lieu, ça ne fait pas de doute; mais il ne s'ensuit nullement que ce soit également avec elle que les négociations préparatoires doivent se faire.

Pour ce qui est du scrupule du Cabinet de Berlin à l'endroit de l'autorisation qui lui manquerait pour se charger de cette tâche pressante, nous ne saurions lui reconnaître un caractère plus réel.

Pour justifier cette appréciation de notre part je ne rappellerai pas la suprématie générale que dans d'autres circonstances la Prusse et l'Autriche ont toujours revendiquée en raison de leur ascendant naturel dans la Confédération. Je chercherai mes preuves sur un terrain plus restreint, dans la direction toute particulière que les deux grandes Puissances Allemandes, et nommément la Prusse, n'ont cessé d'exercer dans l'affaire Holsteinoise. Sans remonter à des antécédents trop pénibles pour être cités ici, je me bornerai à rappeler que c'était bien sans aucun mandat spécial que les deux Puissances entamèrent ces mêmes discussions qui ont pris plus tard des proportions si déplorables, et notre dernière déclaration du 29 Juillet n'a-t-elle pas été provoquée aussi par des pourparlers notamment avec la Prusse? Bien loin de trouver à redire à cette action spontanée exercée en dehors du sein de la Diète, le Rapport des Comités en prend acte, et lorsque ce document exprime l'attente de recevoir dans le temps une communication des deux Puissances sur la marche ultérieure des négociations, n'y-a-t-il pas là au moins un mandat tacite pour la Prusse et l'Autriche à traiter avec nous? Ainsi, et je fais ce rapprochement avec un sincère regret, l'initiative prise spontanément par les deux Puissances en 1856 lorsqu'il s'agissait d'ouvrir la contestation actuelle, cette initiative la Prusse ne se croit plus autorisée à l'exercer aujourd'hui qu'il s'agit de trouver la solution pacifique tant désirée, lorsqu'il y a péril en la demeure, s'il y en eut jamais, lorsque enfin la Diète se trouve dans l'impossibilité, à cause des vacances, de prendre elle-même une décision sur la conduite des négociations.

Après avoir ainsi écarté ce qu'il ne se croit pas en position de faire dans l'état actuel des choses, le Cabinet de Berlin a soin d'indiquer la seule voie que, d'après son opinion, il puisse suivre à l'heure qu'il est pour préparer l'ouverture prochaine des négociations. Il annonce de vouloir se mettre en rapport avec des confédérés pour s'entendre avec eux sur la marche à donner aux négociations et sur les principes qui devront les diriger, en se réservant du reste de nous donner plus tard une réponse definitive conforme au résultat de ces pourparlers.

Avec combien de ses confédérés et jusqu'à quel point la Prusse se propose d'établir cette entente, nous l'ignorons, et nous ne savons même pas si, dans la pensée du Cabinet de Berlin, cette action collective servira seulement d'introduction et de préliminaires à l'ouverture des négociations, ou si elle sera maintenue comme élément essentiel de leur poursuite même. Mais quoi qu'il en soit et à quelque parti que la Prusse se soit arrêtée, je dois signaler dès-à-présent le danger qu'il y a que cette manière de procéder reculera encore davantage l'ouverture des négociations et leur imprimera d'avance un caractère qu'elles ne devraient pas avoir. Le but avoué des négociations projetées était précisément de faire sortir le différend d'un terrain où il ne faisait que s'envenimer chaque jour davantage et de nous mettre en face d'une ou de deux Puissances Allemandes qui, tout en agissant au nom de la Diète, fussent par leur position politique responsables envers l'Europe et qui sussent prendre conseil du véritable intérêt général sans se laisser entraîner par une opinion publique mal-eclairée. Mais voilà qu'aujourd'hui on est sur le point de rentrer dans l'ancienne ornière où les anciennes lenteurs interminables et les anciennes velléités impraticables ne manqueront pas de se produire de nouveau. Et cette affaire, qui occupe l'Allemagne depuis tant d'années, ne serait-elle vraiment pas encore assez éclairée, après tant de discussions; les confédérés n'en sont-ils pas encore venus assez loin pour n'avoir pas besoin de pourparlers spéciaux entre eux afin de s'enteudre sur les vues générales à faire valoir? Le contrôle appartenant aux autres confédérés n'eut-il pu se borner à celui qui s'exercerait naturellement lorsque le résultat des négociations serait soumis à l'appréciation de la Diète? Et quoi qu'il en soit, et ces pourparlers fussent-ils réellement indispensables, n'aurait-il pas mieux valu les remettre jusqu'à ce que par une

négociation préparatoire avec nous les points qui nous divisent eussent été mieux précisés ?

Voilà, Monsieur, l'état actuel de ces négociations auxquelles tout le monde attachait tant d'espoir. On n'aurait pas le droit de s'étonner si dans de telles circonstances le Gouvernement du Roi abandonnait une tentative qui dès le premier pas ne nous a valu que des déceptions. Nous sommes entrés en pourparlers réitérés avec les Etats Holsteinois, mais ceux-ci se sont retranchés derrière l'autorité de la Diète, sur les résolutions de laquelle ils ne voulaient pas anticiper ; nous avions traité pendant des années au sein de la Diète, mais toute déférence de notre part a eu pour seul résultat de provoquer toujours de nouvelles et de plus grandes demandes ; dernièrement nous avons adressé à la Diète une déclaration qui d'après l'engagement pris par le Cabinet de Berlin devait aplanir la voie à des négociations directes et internationales : et où en sont à présent ces négociations ? Pour l'Allemagne la question Holsteinoise n'a qu'une importance secondaire et la solution peut être différée sans aucun inconvénient pour elle, mais pour nous elle est une question vitale. Personne ne méconnaîtra la grave responsabilité que le Gouvernement a pris en laissant continuer un état de choses où tout est mis en suspens, le développement nécessaire se trouve arrêté, et la nation se sent atteinte dans ses intérêts les plus chers par l'incertitude qui plane sur ses destinées.

Embrassant avec loyauté et sincérité la nouvelle tentative des négociations le Gouvernement du Roi s'était proposé d'user du droit conféré par la Constitution pour proroger le Conseil-Général jusqu'au mois de Janvier. La nation, on pouvait bien le prévoir, n'accueillirait qu'avec une impatience toute légitime une telle mesure, qui d'ailleurs, à cause de l'expiration prochaine de l'année financière, devait nécessairement créer de grands embarras ; mais le Gouvernement croyait pourtant ne pas devoir se laisser arrêter par ces considérations, parcequ'il reconnaissait que la présence de la représentation pourrait entraver les négociations pendantes et parcequ'il désirait asseoir le Budget futur sur de nouveaux principes résultant des négociations. Mais combien plus de difficultés n'y aura-t-il pas pour le Gouvernement à procéder à la prorogation lorsqu'il ne pourrait plus motiver une telle mesure par la considération des négociations entamées, et lorsque malheureusement on ne peut pas se dissimuler que l'espoir d'obtenir une base nouvelle pour la confection du Budget futur avant le mois de Janvier est au moins considérablement affaibli par l'accueil que notre invitation vient de recevoir de la part de la Prusse.

Mais comme le Gouvernement du Roi a toujours regardé comme son devoir, pendant la durée de notre différend avec l'Allemagne, de n'abandonner aucun moyen qui pourrait offrir la perspective d'une solution pacifique, de même il continuera dans la phase actuelle ses efforts jusqu'au bout. Tant qu'il y aura le plus faible espoir d'arriver à une entente par le moyen des négociations, et tant que les dispositions de la loi ne s'y opposeront pas, le Gouvernement persistera dans la voie une fois choisie. C'est dans cette vue que le Roi s'est décidé à ajourner la réunion du Conseil-Général jusqu'à la fin du mois de Janvier.

Par suite de cette mesure il reste encore plusieurs mois pour les négociations. Si ce terme expire encore sans résultat réel, et si malgré tous nos efforts une solution n'est pas obtenue lorsque la force des circonstances rendra tout délai ultérieur impossible, et nous mettra dans la nécessité absolue d'entrer dans une autre voie, nous aurons au moins prouvé que la responsabilité n'en retombe pas sur nous, qui, après avoir fait des sacrifices pour obtenir la promesse des négociations, après nous être appliqués sérieusement à amener leur ouverture, n'avons pas cessé de faire tous nos efforts pour écarter tout ce qui pourrait présenter des obstacles à leur réussite.

Je vous prie, Monsieur, de porter cette circulaire avec ses annexes à la connaissance du Cabinet de St. James, qui s'est si vivement intéressé à ces négociations, et qui a bien voulu exercer son influence à Berlin pour leur ouverture immédiate.

J'ai, &c.

(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, October* 18, 1861.

I HAVE the honour to send you herewith a copy of our correspondence with the Cabinet of Berlin, with a view to the opening of the projected negotiations.

From the morrow of the declaration, which we made with the object of seeing these negotiations opened without delay, we have been ready to commence them ; and without losing an instant of precious time, we have at different periods requested Prussia to enter upon them. The Cabinet of Berlin have just answered this invitation in a manner which, I regret to say, is far from satisfactory.

In its first part, the Prussian despatch declines all competence to open negotiations

with us. It reminds us that the eventual understanding must take place between Germany and Denmark. Consequently the negotiations can only be carried on by these same interested parties. Prussia having no right to act for the Diet, and the latter being in vacation till the month of November, it is necessary to wait for that period before entering into negotiations. Such is in substance the reasoning of the Prussian Government.

All this style of argument is as little conclusive as the refusal of Prussia to open the negotiations without delay is compromising as regards their issue.

Every one knows that the organization of the Diet is hardly fitted for the conduct of international negotiations; so that in such cases one has always seen matters carried on by representatives. And this mode of proceeding becomes doubly necessary in a question which excited public opinion has long ago grasped, and in which it would not fail to exercise a fatal pressure on negotiations, the secret of which could never be kept in the bosom of an Assembly composed of such numerous and various elements. How, in fine, reconcile the universal conviction of the urgency of these negotiations with the supposed intention of the Diet itself to take the conduct of them in hand, when, during the greater part of the time in which the negotiations can be entertained, its labours are completely suspended owing to the ordinary vacation? Assuredly it is by the Diet that the definitive understanding must be arrived at: of this there is no doubt. But it does not in the least follow that the preparatory negotiations are to be carried on by it as well.

As to the scruples of the Cabinet of Berlin, with respect to the authorization which they lack in order to undertake this urgent task, we cannot acknowledge it to have a more real character.

In order to justify this opinion on our part, I will not recall the general supremacy which, in other circumstances, Prussia and Austria have always claimed by reason of their natural ascendancy in the Confederation. I shall search for my proofs on a more limited ground: in the particular influence which the two great German Powers, and especially Prussia, have not ceased to exercise in the Holstein affair. Without recurring to antecedents too painful to be cited here, I will confine myself to calling to mind that it was certainly without any special warrant that the two Powers opened those very discussions which subsequently attained such deplorable proportions; and was not our last declaration of the 29th of July also called forth by discussions, particularly with Prussia? Far from disapproving of this spontaneous action exercised out of the Diet, the Report of the Committee notices it; and when this document expresses the expectation of receiving in course of time a communication from the two Powers, as to the ulterior course of the negotiations, is not that at least a tacit warrant for Prussia and Austria to treat with us? Thus—and I make this comparison with sincere regret—that very initiative which was taken spontaneously by the two Powers in 1856, when there was a question as to commencing the present contest, Prussia no longer considers herself authorized to employ now, when the question is to find that pacific solution which is so much desired; when there is danger in the matter, if ever there was; when, in fine, the Diet cannot possibly, owing to the vacation, take upon itself a decision as to the conduct of the negotiations.

After having thus set aside what they do not consider themselves in a position to do in the actual state of things, the Cabinet of Berlin take care to indicate the only path which, according to their opinion, they can follow at present in order to prepare for the approaching opening of negotiations. They announce their willingness to place themselves in communication with the Confederates in order to come to an understanding with them as to the course to be given to the negotiations, and the principles which are to guide them; reserving, however, to themselves the power of giving to us subsequently a definitive answer in conformity with the result of these discussions.

We are ignorant with how many of her Confederates, and up to what point, Prussia proposes to establish this understanding; and we do not even know whether, in the opinion of the Cabinet of Berlin, this collective action will serve only as an introduction and as preliminaries to the opening of the negotiations, or whether it will be maintained as an essential element of their course as well. But however that may be, and whatever may be the decision to which Prussia has arrived, I must at once point out the danger there is, that this manner of proceeding will still further retard the opening of the negotiations, and will stamp them beforehand with a character which they ought not to have. The avowed end of the projected negotiations was precisely to bring the dispute out of a state where it only became more envenomed every day, and to confront us with one or two German Powers who, acting in the name of the Diet, would, from their political position, be responsible towards Europe, and who would know how to consult the true general interest without allowing themselves to be carried away by an ill-informed public opinion. But

now we are on the point of returning into the old groove where the ancient interminable delays and the ancient impracticable tendencies will not fail to re-appear. And is it possible that this affair, which has occupied Germany for so many years, is really not yet sufficiently elucidated, after so many discussions? Have not the Confederates advanced to such a point as to have no need of special discussions among themselves in order to come to an understanding as to the general views to be adopted? Could not the control belonging to the other Confederates have been confined to that which would naturally be exercised when the result of the negotiations is submitted to the appreciation of the Diet? And however that may be, even if these discussions were really indispensable, would it not have been better to postpone them until, by a preparatory negotiation with us, the points which divide us had been better specified?

This, Sir, is the actual state of these negotiations from which the whole world hoped so much. One would have no right to be astonished, if, under such circumstances, the Government of the King abandoned an attempt which, from the first step, has only brought deceptions upon us. We have entered into repeated discussions with the Holstein States, but they have entrenched themselves behind the authority of the Diet, the resolutions of which they were not willing to anticipate; we had treated for years in the bosom of the Diet, but the only result of every deference on our part has always been to give rise to new and greater demands; latterly we addressed to the Diet a declaration which, according to the engagement made by the Cabinet of Berlin, ought to smooth the way to direct and international negotiations: and in what state are these negotiations now? For Germany the Holstein question has only a secondary importance, and its solution can be deferred without any inconvenience to her, but for us it is a vital question. No one will ignore the grave responsibility which the Government have undertaken by allowing a state of things to continue in which everything is kept in suspense, in which the necessary development is arrested, and the nation feels itself attacked in its dearest interests by the uncertainty which hovers over its destiny.

Accepting with loyalty and sincerity the new attempt at negotiations, the Government of the King had proposed to make use of the right conferred by the Constitution to prorogue the Council-General up to the month of January. The nation, as could well be foreseen, would only receive with most legitimate impatience such a measure, which besides, owing to the approaching expiration of the financial year, must necessarily create great embarrassment; the Government, however, considered that they should not allow themselves to be stopped by such considerations, because they acknowledged that the existence of the representation might impede the pending negotiations, and because they desired to establish the future Budget on new principles resulting from the negotiations. But how many more difficulties would there not be if the Government were to have recourse to prorogation, when they could no longer ground such a measure on the consideration of negotiations having been opened, and when unfortunately one cannot conceal from oneself that the hope of obtaining a new basis for the construction of the future Budget before the month of January is at least considerably weakened by the reception which our invitation has just received on the part of Prussia.

But as the Government of the King have always considered it their duty, during the continuance of our dispute with Germany, not to abandon any means which might offer the prospect of a pacific solution, in like manner, as affairs now stand, they will continue their efforts to the end. As long as there is the faintest hope of arriving at an understanding by means of negotiations, and as long as the provisions of the law are not opposed thereto, the Government will persevere in the path they have once chosen. It is with this view that the King has decided to adjourn the meeting of the Council-General till the end of the month of January.

In consequence of this measure there still remain several months for the negotiations. If this term, too, expires without any real result, and if, in spite of all our efforts, a solution is not obtained when the force of circumstances renders all further delay impossible, and reduces us to the absolute necessity of entering on another path, we shall at least have proved that the responsibility thereof does not fall upon us, who after having made sacrifices to obtain the promise of negotiations, after having devoted ourselves seriously to bring about their opening, have not ceased to employ all our efforts to remove everything which might present obstacles to their success.

I request you, Sir, to bring this circular and its inclosures to the knowledge of the Cabinet of St. James's, who take such a lively interest in these negotiations, and who have had the goodness to exercise their influence at Berlin for their immediate opening.

I have, &c.

(Signed) C. HALL.

Inclosure 2 in No. 134.

M. Hall to M. Quaade.

Monsieur, *Copenhague, le 9 Septembre*, 1861.

PAR votre rapport du ainsi que par les éclaircissements qui m'ont été fournis par d'autres Missions du Roi, j'ai été informé que plusieurs des Cours non-Allemandes ont instruit leurs Ministres respectifs à Berlin à accélérer par des représentations au Gouvernement Prussien l'ouverture des négociations internationales entre le Danemarck et l'Allemagne, dont il est question dans ma dépêche du 29 Juillet de l'année courante. Il vous est suffisamment connu, Monsieur, que nous, de notre côté, ne désirons pas mieux que de voir ces négociations commencer aussitôt que possible, afin qu'elles soient terminées avant l'époque où le Gouvernement du Roi aurait à prendre une décision sur la part contributive aux dépenses communes de la Monarchie que le Duché de Holstein aurait à payer pour l'année financière prochaine. C'est pourquoi je vous invite, Monsieur, à bien vouloir sans délai déclarer au Cabinet de Berlin, d'une manière plus précise et formelle que vous ne l'avez déjà fait, que le Gouvernement du Roi notre auguste Souverain est prêt à tout moment à commencer les négociations susmentionnées, et que pour faire les démarches nécessaires dans ce but il n'attend qu'une explication de la part du Gouvernement Prussien sur la forme à donner aux négociations, ainsi que sur l'époque où elles pourraient prendre leur commencement. Dans la communication qu'à cet effet vous aurez à adresser au Gouvernement de Sa Majesté le Roi de Prusse, vous voudrez bien ajouter que l'ajournement des séances de la Diète Féderale, loin de présenter un obstacle au commencement des négociations dont il s'agit, nous paraît éminemment propre à leur assurer une issue heureuse; le Gouvernement du Roi non moins que les Cabinets qui lui ont conseillé de se prêter aux arrangements exposés dans ma dépêche du 29 Juillet dernier, ayant été guidés par cette vue, que les vacances de la Diète Federale le rendraient possible au Gouvernement du Roi une côté, et aux Cabinets de Berlin et de Vienne de l'autre, d'entamer des négociations internationales, avec l'espoir d'obtenir, au moyen d'une discussion libre et directe, un résultat apte à être soumis à la Diète, lorsque celle-ci se réunira de nouveau.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, September* 9, 1861.

BY your report of the , as well as by the explanations which have been furnished me from other Missions of the King, I have been informed that several of the non-German Courts have instructed their respective Ministers at Berlin to accelerate by representations to the Prussian Government the opening of the international negotiations between Denmark and Germany, to which reference is made in my despatch of July 29 of this year. It is sufficiently known to you, Sir, that we, on our side, wish nothing better than to see these negotiations commenced as soon as possible, in order that they may be terminated before the epoch when the Government of the King will have to make their decision as to the portion which the Duchy of Holstein will have to contribute to the common expenses of the Monarchy for the next financial year. For this reason I request you, Sir, to have the goodness to declare without delay to the Cabinet of Berlin, in a more precise and formal manner than you have already done, that the Government of the King our august Sovereign is ready at any moment to commence the above-mentioned negotiations, and that, in order to take the steps necessary for this object, they are only waiting for an explanation on the part of the Prussian Government as to the form to be given to the negotiations, as well as the time at which they are to commence. In the communication to this effect which you will have to address to the Government of His Majesty the King of Prussia, you will have the goodness to add, that the adjournment of the sittings of the Federal Diet, far from presenting an obstacle to the commencement of the negotiations in question, appears to us eminently calculated to assure them a favourable issue; the Government of the King as well as the Cabinets which have advised them to accede to the arrangements detailed in my despatch of the 29th July last, having been influenced by the idea that the vacation of the Federal Diet would render it possible for the Government of the King on one side, and the Cabinets of Berlin and Vienna on the other, to enter upon international negotiations, with the hope of obtaining, by means of a free and direct discussion, a result fit to be submitted to the Diet when it reassembles.

I have, &c.
(Signed) C. HALL.

Inclosure 3 in No. 134.

M. de Sydow to M. de Balan.

(Traduction.)

Monsieur, *Berlin, le 22 Septembre*, 1861.

DEJA en date du 14 du courant, je vous ai transmis copie d'une dépêche que M. Hall, en date du 9 de ce mois, a adressée au Ministre de Sa Majesté le Roi de Danemarck, et dont ce Ministre nous a communiqué un extrait. De cette dépêche vous aurez appris que le dit Ministre a annoncé que le Cabinet de Copenhague était prêt à ouvrir immédiatement les négociations projetées, et que par cette raison il attendait de nous une explication sur la forme qui serait à donner aux négociations, ainsi que sur l'époque à laquelle elles pourraient être entamées de la part de l'Allemagne.

Le Gouvernement du Roi partage pleinement le désir du Cabinet de Copenhague de voir les négociations commencer aussitôt que possible, et en appréciant le motif mentionné dans l'extrait de la dépêche, il reconnaît qu'il est désirable d'obtenir un arrangement avant que le Gouvernement de Sa Majesté le Roi de Danemarck soit obligé de prendre une décision sur la quotepart que le Duché de Holstein aurait à contribuer aux dépenses communes de l'année financière prochaine, décision qui pourrait amener de nouvelles complications. Le Gouvernement du Roi est, lui aussi, disposé à faire tout ce qui est en son pouvoir pour atteindre le but désiré. Que toutefois il ne lui est pas possible de donner dès à présent une réponse précise aux deux points susmentionnés, c'est ce dont M. le Ministre Danois se persuadera aisément lorsque, Monsieur, vous appelez son attention sur ce fait, que les négociations directes que le Danemark avait en vue quand il donnait les déclarations qui amenaient la Diète à ne pas pour le moment s'avancer plus loin sur la voie Fédérale, que ces négociations, dis-je, sont des négociations avec la Confédération Germanique, et que d'après leur nature elles ne peuvent être remplacées par d'autres. Ceci a été toujours et expressément maintenu par nous et aucune divergence d'opinion ne s'est produite à cet égard. De notre côté nous n'avons jamais donné lieu à la supposition énoncée dans la dépêche de M. Hall qu'un résultat matériel pourrait être obtenu pendant les vacances de la Diète au moyen de négociations spéciales entre Copenhague, Vienne, et Berlin ; résultat qui pourrait être soumis à la Diète lorsque celle-ci se réunira de nouveau, et nous n'avons non plus lieu de croire qu'aucune des Grandes Puissances se serait livrée à une supposition pareille, qui en effet n'eût point été en accord avec l'état réel des choses. Lorsque M. le Ministre Danois fait attention à cet état de choses, et à la position qui en découle pour la Prusse, il trouvera naturel si pour le moment nous devons nous réserver une déclaration ultérieure sur les points soulevés par lui.

Notre tâche se borne donc, dans la situation actuelle de l'affaire, à faire les démarches préalables et préparatives, nommément moyennant des pourparlers confidentiels avec nos Confédérés, qui pourront faciliter autant que possible l'ouverture et la marche matérielle des négociations. Nous ne manquerons pas d'utiliser dans ce but le temps des vacances actuelles de la Diète, signalé comme propice par la dépêche Danoise, et de frayer ainsi la voie à une entente à venir, et nous croyons pouvoir en cela compter avec pleine confiance aussi sur le concours du Cabinet de Vienne.

Je vous autorise, Monsieur, à communiquer la présente dépêche à M. le Ministre Hall, ainsi qu'en lui laisser copie s'il en exprimait le désir.

Pour le Ministres des Affaires Etrangères,

(Signé) SYDOW.

(Translation.)

Sir, *Berlin, September* 22, 1861.

I HAVE already transmitted to you on the 14th instant copy of a despatch which M. Hall addressed on the 9th of this month to the Minister of His Majesty the King of Denmark, and an extract of which this Minister has communicated to us. From this despatch you will have learnt that the Minister in question has announced that the Cabinet of Copenhagen was ready immediately to open the projected negotiations, and that consequently he expected from us an explanation as to the form which should be given to the negotiations, as well as the time when they could be entered upon by Germany.

The Government of the King participate fully in the desire of the Cabinet of Copenhagen to see the negotiations commenced as soon as possible, and whilst appreciating the motive mentioned in the extract of the despatch, they acknowledge that it is desirable to effect an arrangement before the Government of His Majesty the King of Denmark is obliged to come to a decision as to the quota which the Duchy of Holstein will have to contribute to the common expenses of the next financial year, a decision which might give rise to new complications. The Government of the King are also

disposed to do all in their power to attain the end desired. Still the Danish Minister will easily be convinced that it is impossible for the Government of the King to give a precise answer at once to the two points above-mentioned, when you, Sir, call his attention to the fact that the direct negotiations which Denmark had in view when she made the declarations which led the Diet not to advance further, for the moment, on the Federal path; that these negotiations, I say, are negotiations with the Germanic Confederation, and that, from their nature, they cannot be replaced by others. This has always and expressly been maintained by us, and no divergence of opinion has arisen in this respect. On our side we have never given cause for the supposition stated in the despatch of M. Hall, that a material result might be obtained during the vacation of the Diet by means of special negotiations between Copenhagen, Vienna, and Berlin, a result which might be submitted to the Diet when it reassembles, neither have we cause to believe that any of the Great Powers would have indulged in a like supposition, which in fact would not have been in accordance with the real state of things. When the Danish Minister turns his attention to this state of things and to the position which results therefrom to Prussia, he will find it natural that we should, for the moment, reserve to ourselves an ulterior declaration on the points which he has raised.

Our task then is limited, in the actual position of the affair, to taking the preliminary and preparatory steps, namely, by means of confidential discussions with our confederates, which may facilitate, as much as possible, the opening and the material course of the negotiations. With this object we will not fail to utilise the time of the present vacation of the Diet, stated by the Danish despatch to be a favourable one, and thus to clear the way for a future understanding, and we believe that in this we can also count with entire confidence upon the co-operation of the Cabinet of Vienna.

I authorize you, Sir, to communicate the present despatch to the Minister Hall, and leave him a copy should he desire it.

For the Minister for Foreign Affairs,
(Signed) SYDOW.

Inclosure 4 in No. 134.

M. Hall to M. Quaade, October 11, 1861.

[See Inclosure in No. 133.]

No. 135.

Mr. Lowther to Earl Russell.—(Received October 28.)

(Extract.) *Berlin, October* 26, 1861.

I HAD this day a conversation with his Excellency Count Bernstorff, relative to the delay on the part of Prussia to commence preliminary negotiations with Denmark on the subject of the Danish Duchies.

Count Bernstorff said the despatch of the Prussian Government of the 22nd September had been misunderstood by the Danish Government; for that it never was the intention of the Prussian Government to enter at once into negotiations on this subject, but he repeated he was now quite ready to receive any propositions the Danish Government was prepared to make, and enter upon these preliminary negotiations. He was as yet unaware what the Danish proposals might be; but he was not without hope, that if the Danish Government was willing to make modifications if necessary, that in time some progress might be made in the business.

But, he added, it was a mistake to imagine the affair could be settled speedily, or without considerable deliberation.

No. 136.

Mr. Paget to Earl Russell.—(Received October 28.)

My Lord, *Copenhagen, October* 24, 1861.

M. HALL informs me that M. Quaade delivered to Count Bernstorff, before his Excellency's departure for Königsberg, a copy of the despatch addressed to him on the 11th instant (a translation of which was inclosed in my despatch of the 19th instant),

and had a short conversation with him upon it. On the return from Königsberg Count Bernstorff informed M. Quaade that he had submitted this despatch to the King, and that he was ready to begin the negotiations. His Excellency added, however, that what might take place between the Prussian and Danish Governments could only be considered in the light of a confidential exchange of ideas, for that Prussia could conclude no arrangement without further authority from the Diet. With this understanding Count Bernstorff expressed his readiness to enter at once into discussion, and begged to be made acquainted with the views of the Danish Government. It is M. Hall's intention to respond as soon as possible to this desire through a further despatch to be addressed to M. Quaade.

I have, &c.
(Signed) A. PAGET.

No. 137.

M. de Bille to Earl Russell.—(Received November 5.)

My Lord, *London, November 5*, 1861.

I HASTEN to communicate to your Lordship a copy of a despatch dated the 31st of October, with an inclosure, which I have received from my Government, in regard to the opening of negotiations with Prussia for a settlement of the Constitutional question of Holstein.

I have, &c.
(Signed) TORBEN BILLE

Inclosure 1 in No. 137.

M. Hall to M. de Bille.

Monsieur, *Copenhague, ce 31 Octobre*, 1861.

VOUS verrez par la dépêche ci-jointe en copie qu'après avoir laissé s'écouler plus de deux mois en prétendant n'avoir aucun droit à ouvrir les négociations, la Prusse a subitement changé d'avis et vient de se déclarer prête à y entrer sans délai. Nous nous sommes pressés de profiter de cette résolution un peu tardive, et sans perdre un instant nous avons fait nos propositions. Pour point de départ nous avons pris les demandes de la Diète, en les conciliant autant que le permet l'Arrêté Fédéral avec l'Ordonnance Royale du 28 Janvier, 1852. Nous accorderons donc en matière législative aux Etats Holsteinois la même compétence qu'exerce le Rigsraad, seulement en ajoutant les garanties nécessaires pour qu'une collision permanente entre les deux Assemblées ne compromette pas tout développement de la législation. De même en matière financière les Etats voteront librement les impôts, ainsi que la loi des recettes et des dépenses, en dehors toutefois d'un Budget normal, embrassant les besoins ordinaires de l'Etat. Voilà en substance les principes que nous avons proposés, sans entrer du reste dans des détails, qui selon nous doivent être écartés tant que l'accord ne s'est pas encore établi sur les principes.

Je vous prie de témoigner à Lord Russell lorsque vous lui communiquez confidentiellement une des copies ci-jointes, votre reconnaissance de son appui efficace, auquel nous devons sans doute la nouvelle résolution du Cabinet de Berlin, et je me flatte d'autant plus de l'espoir qu'il soutiendra auprès de M. le Comte de Bernstorff nos propositions, qu'il remarquera, j'en suis sûr, combien ces propositions sont conformes aux conseils qu'il a bien voulu nous faire parvenir par votre intermédiaire.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, October 31*, 1861.

YOU will see by the despatch herewith inclosed in copy, that after having allowed more than two months to elapse, under pretence of having no right to open negotiations, Prussia has suddenly changed her mind, and has just declared herself ready to enter upon them without delay. We have hastened to profit by this rather tardy resolution, and without losing an instant we have made our proposals. As a starting-point we have taken the demands of the Diet, reconciling them with the Royal Ordinance of the 28th January, 1852, as much as is allowed by the Federal Resolution. We will then, in legislative matters, grant to the Holstein States the same competence as is exercised by the

Rigsraad, only adding thereto the necessary guarantees, in order that a permanent collision between the two Assemblies may not compromise all development of legislation. Similarly in financial matters, the States will freely vote the taxes, as well as the law of receipts and expenses, such at least as are in excess of a Normal Budget comprising the ordinary wants of the State. Such in substance are the principles which we have proposed, without, however, entering into details, which, in our opinion, ought to be put aside as long as no agreement has been come to upon principles.

I request you to express to Lord Russell, when you communicate to him confidentially one of the inclosed copies, your thanks for his powerful aid, to which we doubtless owe the new resolution of the Cabinet of Berlin, and I indulge the more in the hope that he will advocate our proposals to Count Bernstorff, because he will observe, I am sure, how conformable they are to the advice which he has been good enough to offer us through you.

I have, &c.
(Signed) C. HALL.

Inclosure 2 in No. 137.

M. Hall to M. Quaade.

(Translation.) *Copenhagen, October* 26, 1861.

BY your kind report of the 21st October, you inform me that his Excellency Count Bernstorff has expressed to you the readiness of the Prussian Government to enter at once upon confidential negotiations with us relative to the settlement of the Holstein question; with the reservation, of course, that the results which may arise therefrom shall be duly submitted to the Confederation for final determination. The more we must still always regret that so large a part of the brief time allowed has gone by unemployed, the more we feel called upon to follow up, so far as in us lies, the views now opened by the change of determination of the Prussian Government, without further loss of time. We are also of opinion that the form of carrying the negotiations most likely to attain their object will, for the present, be rather by correspondence than by especial Plenipotentiaries, and we believe that their confidential character affords a facility for our communicating opinions to each other which we shall gladly use, in order from the first to enter upon negotiations in a way both practical and free from those restrictions and reservations which a more formal and official mode of proceeding might seem to require.

But whilst, on our side, we thus proceed, without further delay, to open these negotiations, and do not hesitate to accede to the wish expressed by the Prussian Government that we should assume the initiative, although, under the circumstances, this should seem rather to devolve on Germany, we must first of all take care to lay down what is the conformity ("übereinstimmung") necessary for attaining the object aimed at by the negotiations.

Above all, it is certainly our wish to obtain now finally and definitively the settlement of a question which has so long deranged the internal development and external relations of the Monarchy. At the same time, we by no means leave out of view how much reality there is in those considerations which have been urged frequently and with great earnestness on the part of Germany to the effect that, under present circumstances, and we may add, with regard especially to the shortness of the time available, we must be satisfied to attain to a provisional arrangement, while a more exact and conclusive settlement of the affair shall be reserved for a more peaceful future.

But if in this matter, placing ourselves from the first upon the same point of view with Prussia, we give up our claim that these negotiations should settle the question of the Constitution of Holstein exhaustively and finally, we might also hope, on the other hand, to feel that the aim which we are jointly resolved on is to restore the former undisturbed relations between Denmark and Germany, and to set aside, once for all, the continually-returning occasions for collision. And this object may be attained if Holstein now keeps up a position which shall satisfy the demands of the Confederation for a greater independence of that Duchy in reference to joint affairs, yet without thereby giving up the indispensable guarantees for a settled administration, or circumscribing the right of the Sovereign and of the other parts of the territory, and if also all further development and new arrangement of this situation be for the future dependent on the Resolutions of the States of Holstein.

Not less will we endeavour, so far as possible, to meet the views of the Confederation upon the means whereby the point aimed a may be attained. However great may be

the right of the Danish Government to raise objections also against giving a privilege to the States of Holstein, and allowing an autonomy to the Duchy of Holstein, founded neither upon the facts historically handed down nor upon former negotiations, we will not direct our efforts to effecting a settlement which, looking to the decided and unexpected opposition made to it, must appear unattainable, but rather, bending to circumstances, we will take for our object an extension of the authority of the States of Holstein over the provincial territory.

Thus harmony is established so far betwixt us and the Confederation; but the difficulty appears, when the question is made to turn the general consideration to the practical sphere of actual circumstances; for it does not require a close argument to show that a settlement according to which, without anything more and without special guarantees, every law and every money-grant should depend on perfectly unanimous resolutions of the States of Holstein and the Reichsrath, would be impossible. Acting entirely in the same province, and in possession of the same comprehensive deciding privileges, these Assemblies would, without a doubt, get into collision with each other, which would bring legislation to a dead-lock, and, from a want of the necessary money-grants, the administration itself also.

The only way in which it would be possible that two Bodies ("Representations") could work with and beside each other would be to limit, as far as possible, the sphere in which they move; and then, in respect of what would still remain, to find out a means of settling the disputes which might arise; or, if that should not succeed, to give, at all events, such a solution to the menaced collisions as would suitably include the opposing decisions of the two Assemblies.

On this, the only practical way, we are ready to seek for a solution. That this will demand considerable sacrifices on the part of the Monarchy, is as certain as it may easily be shown to be complicated and bound up with difficulties; but we hold the conviction that it is the only way in which we can endeavour to reconcile the demands of the Confederation with the march of a well-ordered administration; and it is to be hoped that it might gradually develop in practice to a simpler and more easy form than any that we can find at present by anticipation.

In going through more precisely with the above-stated principles, the following bases may be laid down as suitable for actual legislation. Everything that can receive in Holstein, in the case of a given common institution, a form and development differing from that prevailing in the rest of the Monarchy, without prejudicing thereby the existing essential common-holding, will be subject to the exclusive legislative action of the States of Holstein, or of the Reichsrath respectively. How far we should continue in this direction in the actual ("concret") case depends, of course, on the character of the circumstances of the case, and on practical considerations. As examples, we may mention the army and the taxes, as institutions which belong to those matters in which a collision may arise between the two bodies; and this the more readily because in these matters, along with the general interest which the Monarchy and the separate parts of the territory have that these institutions be held in common, there are separate local interests and considerations which regard details and forms; and in reference to the army especially, we may add its relation to the war-constitution of the German Confederation. In these circumstances, therefore, the above-mentioned separation would be of great practical significance, and it might be carried out practically, without essentially prejudicing the common interest. The Holstein regiments might constitute a separate division of the Danish army, with separate economy, organization, and regulation, as might be determined by the German Confederation and the Holstein Assembly of States (within the limits defined by the prerogative of the Sovereign), without thereby destroying the necessary identity of tactics, and such common military arrangements as are, by their nature and by the expenses connected with them, best suited to remain in common. In a similar way the tax-administration of Holstein, without abolishing the existing identity of taxation, might, in regard to many details which concern the population, be placed under the exclusive authority of the States of Holstein, so that only the Tariff, and the more important arrangements of the control would be peculiarly reserved to the joint legislative action.

As to the legislative matters which would remain as the common sphere of the two bodies after carrying out the above-mentioned separation, further particular measures of regulation would considerably conduce to equalize divergences of opinion. Without wishing to go more deeply here into details respecting these, we will only express our conviction that the appointment of joint Committees, consisting of the more weighty members of the two Assemblies, would be of great efficacy in the discussion of any matters of difficulty.

The objections to every common representation which, for instance, were brought forward so strikingly at the last meeting of the States of Holstein, would not be available against such a merely preparatory joint negotiation among delegates, by no means forestalling the free resolutions of the Assemblies in question. It may, however, be yet supposed that these measures would not, under all circumstances, prevent or elude a collision between the Assemblies, and it will, therefore, be indispensably necessary for such a case to find out a suitable remedy for deciding these collisions.

In this view authority must be reserved to the Government, in case of a continued opposition on the part of one Assembly to a change of legislation approved by the other, and considered to be urgently necessary by the Government, to place before the opposing Assembly the alternative either to assent to the measure in question on its part also, or to understand that the new legislative resolution would be carried out by the Government in one part of the Monarchy, whilst in the other part such administrative measures would be adopted as the difference of legislation now arising might require.

This last would in many cases be tantamount to a destruction of community in respect of the institution in question so long as the dissimilarity of legislation arising should continue. In the mean time it is to be supposed that the Government would not take this step except in the utmost necessity; and it may be expected that the practical action thereof would essentially be an indirect one, because both Assemblies being conscious that they—the one by too stringent urgency, the other by its obstinate resistance in respect of a special measure—would in all probability incur the responsibility of causing the whole institution in question to cease being held in common, this would bring about in both such consideration and conciliation as could hardly be expected under other circumstances.

As in this way the States of Holstein would be placed on a full equality with the Reichsrath in the sphere of legislation, the privilege of making grants in the financial department should also be given to the States. In respect of those common institutions which by the above plan would be placed under the exclusive legislative action of the States of Holstein, the expenditure should likewise be determined solely by them; and this would also be the case as to the expenditure for the provincial affairs of the Duchy, with the sole limitation that it should be determined by a Normal Budget how much should be apportioned by the Government yearly to such branches of administration as the management of the Holstein division of the army, the local taxation, &c., without a special assent on the part of the States.

The existence of such a Normal Budget in respect of these portions of the common expenditure, which, according to the above, are separate, could not easily become the object of any objection as to principle; for in like manner as its determination by the German public law appears quite established, so would the appropriation thereof be reserved to the Government alone, without the Reichsrath having to direct in any way in the matter.

In this way, of course, upon whichever of the two Assemblies the power of granting might fall, it would be in some degree limited. On the other hand, in respect of that expenditure which would still remain in common, the granting-power of the States in concurrence with that of the Reichsrath would be limited to what Holstein would have to contribute beyond certain sums which are determined for every principal item. The amount of these fixed sums would in part be stated previously, so that no difference of opinion could arise upon them. This will be the case, for instance, in regard, first, to the civil list and appanages; and secondly, to the payments and interest of the State debt in conformity with existing contracts, as also in respect of pensions, according to the pension laws in force. On the other hand, in regard to other branches, viz., those comprising the quota to the Department of Foreign Affairs, to the Navy, and the administration of Finance, the average amount of the expenditure during the last years might most properly be taken as a basis. As the requirements of these branches will doubtless increase every year, while the sums named remain unaltered, the result of this would be that the States' right of granting would gradually become of greater consequence. That contribution to the common expenditure which, in the shape of fixed imposts or separate grants, would be a part of the burdens of Holstein, must first of all be deducted out of the share per cent. of Holstein to the common revenue as is now arranged, or as may be arranged by laws to be passed hereafter, and so far as this share may not be sufficient it must then be taken out of the separate revenue of the Duchy.

According to this, then, the States of Holstein would acquire full constitutional authority over the financial branches, with the right of granting limited only by a Normal Budget, and by the fact that certain amounts are fixed. In respect of this limitation a difference may be made between the principle itself and the accomplishment

of it, that is to say, the amount of the sums disposed of. The former, as observed above, is well known, and is, according to the public law of Germany, in a certain degree even necessary, and in the Department of the Reichsrath it has its correlation in the Normal Budget of 28th February, 1856; the latter may naturally be the object of a more precise determination after fuller deliberation; but it would hardly offer insuperable difficulties if first the principle were admitted.

Such are the bases upon which, in the conviction of the Danish Government, a settlement of the condition of Holstein might be grounded, corresponding with the demands of the Confederation. In the main point they are identical with those which the Government had in view when, in March last, it laid before the States of Holstein the proposition of a provisional settlement which will have been made known to the Prussian Government from the proceedings of the Confederation. The States did not go into the discussion of this proposition in consequence of the point of view which they took upon the whole; the objections which they raised rested partly on an essential misunderstanding of the grand principles, and had reference partly to details of execution, in regard to which such modifications as might after closer scrutiny and negotiation appear judicious would naturally not have been opposed by the Government.

The Danish Government is convinced that the principles above put forth will be subjected by the Prussian Government, in their generality, to a conscientious examination and judgment, and we may hope to be enabled on these principles to come to an understanding, the subsequent issue of which will offer no considerable difficulties in the settlement of individual points. To go into this more precisely at present would not appear to us to be advantageous for the progress of the negotiation. As soon as the general principle shall be assumed, the time will have arrived when we may proceed to draw up and carry out our intentions.

I will ask you to give a copy of this despatch to his Excellency the Count Bernstorff. In case that any point of the exposition herein contained should, as we do not expect, require a further explanation in this early stage of the affair, you would be yourself certainly able to give it; at all events I should be ready to forward you any required supplementary elucidation of that kind without delay.

(Signed) C. HALL.

No. 138.

Mr. Paget to Earl Russell.—(Received November 18.)

My Lord, *Copenhagen, November* 13, 1861.

HAVING understood from M. Hall that he had desired M. Bille to communicate to your Lordship the despatch to M. Quaade, dated the 26th of October, containing an outline of the Danish proposals for the settlement of the Holstein question, I have not thought it necessary to furnish your Lordship with a copy of that document.

M. Hall informed me that when M. Quaade read it to Count Bernstorff, and placed a copy of it in his hands (which he did on the 31st of October), his Excellency expressed himself as well satisfied with several points mentioned in it, but, of course, reserved his formal reply till after mature consideration.

Notwithstanding Count Bernstorff's favourable expressions, I cannot say that M. Hall appears very sanguine as to the result of the negotiations.

The reply from Berlin has not yet been received.

I have, &c.

(Signed) A. PAGET.

No. 139.

*Earl Russell to Lord A. Loftus.**

My Lord, *Foreign Office, November* 20, 1861.

I SEND your Lordship a note from M. Bille to me of the 5th instant,† inclosing a letter of M. Hall to him, and also a letter from M. Hall to M. Quaade, the Danish Minister at Berlin.

You will express to Count Bernstorff the satisfaction with which Her Majesty's Government view the recommencement of negotiations, and you will express a hope that, since the Danish Government have so far complied with the wishes of the British Government as to give proofs of a conciliatory spirit, they will be met by the Austrian and Prussian Governments in a corresponding temper.

* A similar despatch was addressed to Lord Bloomfield. † No. 137.

It is not probable that a final arrangement can be made, but if a provisional agreement could be arrived at, that agreement might diminish the asperity of discussion, and lead hereafter to a permanent and satisfactory conclusion of this thorny affair.

Your Lordship will again declare to the Prussian Government the opinion of Her Majesty's Government that, with regard to the German Duchies, the laws of the German Confederation must be paramount; but that with respect to territories not contained in the limits of the Confederation, Her Majesty's Government are bound by Treaty, by national policy, and by ancient friendship to Denmark, to set the highest value on the integrity and independence of the Danish Monarchy.

I am, &c.
(Signed) RUSSELL.

No. 140.

Lord A. Loftus to Earl Russell.—(Received November 25.)

My Lord, *Berlin, November 23, 1861.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 20th instant.

I had an interview yesterday with Count Bernstorff, when I conveyed to him, in the words of your Lordship's despatch, the opinion of Her Majesty's Government with regard to the negotiations now entered upon between Denmark and the two German Powers for the settlement of their differences concerning the German Duchies, and their hopes that these negotiations may be attended with success.

When I had finished reading the concluding sentence of your Lordship's despatch, Count Bernstorff observed that there was no intention or idea on the part of Germany to endanger the integrity or independence of the Danish Monarchy; that all that Germany claimed was the fulfilment by Denmark of engagements taken towards Germany; and that Germany had not only the right, but it was a duty imposed upon her, to enforce the fulfilment of these engagements.

Count Bernstorff stated that a false illusion had gone forth, and had passed as valid, which it was high time to correct, namely, that Germany had no rights to claim as regarded the Duchy of Schleswig, and that the question which affected Germany was solely confined to the German Duchies. He repudiated this doctrine in very forcible terms, stating that the question of Schleswig was intimately connected with that of Holstein; that the one could not be definitively or satisfactorily solved without embracing the other, and that no arrangement would be satisfactory to Germany which did not include the final settlement of the relations between Holstein and Schleswig.

Count Bernstorff explained this view by stating that the Holsteiners and Schleswigers had laid down their arms on the faith of certain engagements which had been taken by the King of Denmark. These engagements, he added, had not been fulfilled, and inasmuch as these engagements had been taken towards the two German Powers as "mandataires" of the Diet, they were fully empowered to demand, and even to enforce, their strict fulfilment.

I inquired of his Excellency whether I was to understand from his language that it was his intention, in his reply to the Danish proposal, to refer to the question of Schleswig.

He replied, "Undoubtedly," as Germany can accept no arrangement which does not likewise comprise the relations of Schleswig towards Holstein.

I urged on his Excellency the desirableness of arriving in the first instance at a provisional arrangement for Holstein which would facilitate an agreement for Schleswig.

To this he appeared to entertain strong objections, saying that the two questions were inseparable, and that they could not be treated of distinctly from each other.

In referring to the Danish propositions, his Excellency observed that they did not fulfil the expectations or the requirements of Germany. He alluded specially to the proposed refixation of the normal Budget—and he qualified them in general terms—as a veil to conceal the ulterior intentions of the Danish Government.

If, said Count Bernstorff, the Danish Government are ready to treat on the general basis which we require, in which the question of Schleswig will be comprised, we may then hope for a final and satisfactory solution; if not, it will be sure evidence that the Danish Cabinet are wanting in good faith; and where there is an absence of good faith it is useless to treat.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 141.

Lord Bloomfield to Earl Russell.—(Received November 25.)

My Lord, *Vienna, November 21, 1861.*

I HAVE asked Count Rechberg if he had yet been able to form any opinion as to the last communication from Copenhagen on the question of the Duchies. His Excellency replied that, until he heard from Berlin on the subject, he should be unwilling to speak respecting it, and that Count Bernstorff had not yet had time to give it due consideration.

All I could gather from Count Rechberg is that he will be mainly guided, as he has been heretofore, by the impressions of the Prussian Government, but he does not seem to be very hopeful that this last Danish communication will satisfy the German Diet; and he said that it is essential for the two Great German Powers to be first agreed, otherwise the Danish proposition will never find favour with the Diet.

His Excellency apparently holds firmly to the necessity of Denmark carrying out the promises which she made to Austria and Prussia as to Schleswig, and will not be satisfied with a mere settlement of the claims of Holstein and Lauenburg.

I remarked on the delicate position of the Danish Government towards the Chambers, and of the necessity of mutual concessions being made if this interminable affair was ever to be settled, and of the advantage of turning the present opening to account; but Count Rechberg does not seem to have much faith either in the stability of M. Hall's Government, or in a successful issue of that Minister's last proposition.

I have, &c.
(Signed) BLOOMFIELD.

No. 142.

Lord Bloomfield to Earl Russell.—(Received December 2.)

My Lord, *Vienna, November 28, 1861.*

ON the receipt of your Lordship's despatch of the 20th instant, inclosing copies of a communication from the Danish Chargé d'Affaires on the question of the Duchies, I sought an interview with Count Rechberg, and have read your Lordship's despatch to him, thinking this was the best mode of carrying out your instructions, and I trust you will approve of the course I have pursued.

Your Lordship will have been prepared by my despatch of the 21st instant, for the want of favour with which this Danish communication was likely to be received here, and I regret to say that Count Rechberg has but little expectations that the Prussian Government will view it more favourably.

His Excellency observed, when I had concluded reading your despatch, that I must be fully prepared for the only answer which he could at present give me,—that he was waiting for news from Berlin, and could say no more until the opinions of the Prussian Government were before him. He then reasoned as he had already done, and added to his former arguments that the two great German Powers could not recommend anything to the Diet at Frankfort which they knew beforehand would be rejected by that Body; neither could they consent to any arrangement in which there was no mention of the promises made by Denmark to Austria and Prussia in 1852 as to Schleswig.

This, Count Rechberg added, was all he could say in reply to my communication; but in the course of a few days he expected to hear more fully from Berlin, and whatever was decided by Prussia would be agreed to here.

I have, &c.
(Signed) BLOOMFIELD.

No. 143.

Lord Bloomfield to Earl Russell.—(Received December 2.)

My Lord, *Vienna, November 28, 1861.*

WITH reference to my preceding despatch, I have the honour to inform your Lordship that the Prussian Minister communicated yesterday to Count Rechberg the opinions of his Government on the last Danish propositions respecting the Duchies. I have just seen his Excellency, when he observed that he had only to confirm what he has

already told me as to the intentions of the Imperial Government to act entirely with Prussia on this subject, and that although he could not admit that any new ideas were to be found in the Danish communication, it would nevertheless serve as a stepping-stone to further negotiations. Therefore, without adopting the propositions as a basis, he added it was settled that they should lead to "des pourparlers" at Copenhagen.

I cannot report that Count Rechberg expects much good to result from these negotiations, or that they are likely to produce even a provisional settlement of the affair, for he says that the States of Holstein have already rejected offers of a similar nature which had been made to them by the Danish Government, and he adheres to the arrangement of 1852 as the point of departure of all negotiations; but his Excellency will nevertheless enter upon the discussion with Denmark in a conciliatory spirit, and I apprehend that the Imperial Government will be found equally well disposed with that of Prussia to arrive at an understanding with Denmark on this complicated question.

I have, &c.

(Signed) BLOOMFIELD.

No. 144.

Lord A. Loftus to Earl Russell.—(Received December 9.)

My Lord, *Berlin, December 7, 1861.*

I HAD an interview yesterday with Count Bernstorff. Having met the Danish Minister just leaving his Excellency, I profited of this circumstance to inquire of Count Bernstorff how matters were progressing with the Danish negotiations, and whether they were likely to lead to an understanding.

His Excellency informed me that the reply of the Prussian Government to the Danish note of the 26th of October had been transmitted to Copenhagen on the previous day. On my further inquiry as to the general view taken of the Danish propositions, and as to the nature of the Prussian reply, Count Bernstorff was good enough to read to me, in German, the concluding portion of the despatch he had addressed in reply to the Danish propositions.

This despatch, in as far as I could judge from the hasty perusal of it by Count Bernstorff, is moderate and conciliatory, both in substance and language. It appeared to me, however, to change the basis of the negotiations as was laid down in the Federal Resolution of the 6th of March, and to extend the subject matter of the negotiations (which were primarily intended to refer to the German Duchies) to the question of the relations of Schleswig. It especially refers back to the arrangements concluded in 1851 and 1852, and appears to consider them as the sole basis on which the negotiations between Germany and Denmark could be conducted with a hope to a final arrangement.

With respect to the late Danish proposals, the Prussian Government appears to consider them insufficient and unsuitable to the ends desired; for in arguing upon this point, Count Bernstorff observes to the Danish Government that Germany could scarcely be expected to accept, as satisfactory proposals, those which had been already rejected as unsatisfactory for the objects required by the States of Holstein.

The Prussian despatch further proceeds to express a disapproval of the Danish proposition with respect to the autonomy of Holstein, stating that the tendency of this proposal was in harmony with the objects of a certain party who were desirous of a complete separation of the German Duchies from Denmark, and that this tendency of a complete separation of Holstein not only did not meet with the wishes of Germany, but was directly contrary to the reclamations of the German Diet.

It expressly states that the Diet looks to a definitive, and not to a provisional arrangement; and it refers to the absence in the Danish proposal of all mention and reference whatever to the engagements of 1851 and 1852. At the conclusion of the despatch, great stress is laid on the engagements taken by Denmark in 1851 and 1852, with reference to the non-incorporation of Schleswig and to the maintenance of the equal rights of the two nationalities; and it further observes that the existence of the Reichsrath, in point of fact, does not fulfil the engagements taken in 1851 and 1852.

Reference is likewise made to the system of Government pursued in Southern Schleswig, as having always a tendency to render Danish (Danify) that portion of the Duchy. Finally, the Prussian despatch invites the Danish Government to declare its intentions with reference to the engagements taken by Denmark in 1851 and 1852, of which no mention is made in the Danish note of the 26th of October.

The foregoing, as far as my memory can serve me, is the nature of the Prussian reply;

and I must here observe that in conversing on the subject, Count Bernstorff evinced a conciliatory spirit, and expressed his anxious desire that these differences with Denmark may be finally brought to a satisfactory conclusion.

I observed to him that this subject had become so complicated, and that the negotiations had been subjected to so many diverse phases (at one time a provisional arrangement alone being aimed at, at another a definitive one; on one occasion all question of Schleswig being disclaimed by Germany, now again no arrangement being deemed possible which did not include Schleswig), that I could not but think it very desirable that the two German Powers should distinctly and finally state the nature and amount of their reclamations against Denmark, who, on her part, would then be able to declare whether or how she could meet them.

Count Bernstorff replied, that Germany considered the engagements of 1851 and 1852 to form the basis or starting-point for these negotiations. If the Danish Government should accept the negotiations on this basis, and should renew the assurances and promises which they contained, a final and satisfactory arrangement might be attained. His Excellency hinted, although in a dubious manner, that even if Denmark should say that circumstances had altered since these engagements were taken, and that consequently their fulfilment was no longer possible in the mode and to the extent at first meditated, it might then be possible to open fresh negotiations on a fresh basis, with a view to arrive at a mutual agreement. But Denmark having taken these engagements must be held to their strict fulfilment, and Germany must know whether or not Denmark still considers them as valid and binding.

It appears to me that the Danish Government cannot wish to recede from the engagements they have taken, or plead a change of circumstances for their non-fulfilment; nor if the Danish Government agreed to them in 1851 and 1852, can I see why the Danish Government should not likewise agree to acknowledge their existence. and to accept them as the basis of a final arrangement of existing differences, in 1861.

It further appears to me that the result of the present negotiations will depend on the acceptance by Denmark or not of the proposal to make the engagements of 1851 and 1852 the basis of the negotiations with Germany. If Denmark should refuse to enter upon this course, I fear that no hope of an arrangement can be expected from the present negotiations.

Count Bernstorff informed me that he had addressed a despatch to Count Brandenburg, for communication to your Lordship, explanatory of the views of the Prussian Government on the subject matter of the present negotiations with Denmark.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 145.

Lord A. Loftus to Earl Russell.—(Received December 9.)

My Lord, *Paris, December 7, 1861.*

WITH reference to my despatch of this date giving a summary of the Prussian reply to the Danish note of the 26th ultimo, I have to state that the Austrian reply to a similar despatch of the Danish Government was forwarded from here at the same time with the Prussian, and is verbally identic with it.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 146.

Earl Russell to Lord Bloomfield.

(Extract.) *Foreign Office, December 11, 1861.*

WITH reference to your Excellency's despatches of the 28th ultimo, respecting the negotiation for settling the Danish Duchies question, I have to inform you that Her Majesty's Government agree with Count Rechberg that the arrangement of 1852 ought to be the basis of any new arrangement; and Her Majesty's Government learn with pleasure that Austria and Prussia will hold to it.

Her Majesty's Government early in the summer of this year proposed to Denmark to suspend her Extraordinary Budget, and to Prussia to obtain the suspension of the Federal Execution, which then appeared imminent.

Her Majesty's Government were successful in these efforts, and they would feel it as a grievous disappointment if their endeavours to procure a pacific settlement should not produce, at least, a serious negotiation.

Her Majesty's Government trust that Austria will use her beneficent influence to moderate the extreme pretensions of both sides, and to dispose the German Diet to accept a peaceful solution of this threatening question.

No. 147.

Mr. Howard to Earl Russell.—(Received December 16.)

My Lord, *Hanover, December* 12, 1861.

I LEARN that the Prussian Government, in concert with the Austrian Government, have recently, with reference to the plan for the settlement of the Holstein question, communicated to them by Denmark, written to Copenhagen requesting explanations from the Danish Government relative to the manner in which they propose to carry out the promise they made to the two great German Powers in respect to the Duchy of Schleswig on the occasion of the restoration of His Danish Majesty's authority in the Duchies.

Count Platen remains passive in these affairs, but has more than once expressed to me his regret that the Danish Government should have confined themselves to presenting a project for the settlement of the Holstein question which has already been rejected by the Holstein States.

His Excellency says that if, as he cannot but believe, the Danish Government will not ultimately refuse to make more ample concessions, it is a pity they should not have made them at once.

It appears to me very desirable that an understanding should be arrived at between Denmark and Germany before the meeting of the Prussian Chambers, as it may be assumed from the composition of the new Chamber of Deputies that it will take up the Schleswig question in a very unpalatable manner to Denmark.

I have, &c.
(Signed) HENRY F. HOWARD.

No. 148.

Mr. Paget to Earl Russell.—(Received December 16.)

My Lord, *Copenhagen, December* 12, 1861.

I HAVE had a short conversation with M. Hall to-day on the subject of the Prussian despatch of the 5th instant. His Excellency has had it in his possession too short a time to enable him to speak positively on the answer which he will return to it. I gather, however, that it is his Excellency's intention to give the explanations required by the Prussian Government by stating that the basis of 1852 has been given up by Denmark in consequence of its impracticability; that it appears to the Danish Government that a definitive arrangement at the present moment is not possible, and that their object is to assure in the meantime to that part of the Monarchy subject to the Decrees of the Confederation a position which shall safeguard its interests and independence; that as regards Schleswig, the Danish Government contest, as they always have done, the right of Germany to interfere; that in all the negotiations, &c., at Frankfort the name of Schleswig has not even been mentioned; that whatever may be the value of the fancied rights of Germany respecting it, it is at all events separate and distinct from the other question, and should not prevent an understanding on the Federal question.

I have, &c.
(Signed) A. PAGET.

No. 149.

Count Bernstorff to M. de Balan.—(Communicated to Earl Russell by Count Brandenburg, December 19.)

(Translation.)

Sir, *Berlin, December* 5, 1861.

THE confidential overture of the Copenhagen Cabinet of the 26th October which was handed to me by the Danish Envoy, has been already made known to you by the courtesy of the Minister, M. Hall. The same gentleman shortly afterwards sent a similar

communication to the Vienna Cabinet. This overture has been the subject of a careful consideration, and of comprehensive discussions between the two German Powers, and I am now able to express myself with complete openness upon our views, in the following :—

First of all, I can only express my gratification that I find in the words of the Danish Minister an earnest desire to restore the former untroubled relations between Denmark and Germany, and once for all to put away an always recurring occasion for collisions. We also declare this to be an object which both sides should have in view, and it is, moreover, the aim of our sincere desires and efforts. But, for that very reason, I have been in some measure surprised, even with a full appreciation of the difficulties in the affair pointed out by the Minister, to find that once more this object is to be attained provisionally only, and that, at the outset, in demanding the present negotiations, an exhaustive and final settlement of the question is declined. I cannot admit that we have given occasion to such a view, nor that the Danish Government in doing this places itself, as the despatch says, on our point of view, or on that of the German Confederation. For a proof of this, it is sufficient to call attention to the fact that a definitive settlement of the affair has always been urged by Germany, as already by the Federal Resolution of the 11th of February, 1858, and that it was solely because the Danish Government was not in a position to do this, that, by a later resolution, the conditions were determined under which the accomplishment of the original and proper demand was postponed.

By the explanation which the Copenhagen Cabinet furnished on the 29th July last, in reference to those conditions, a Provisorium has in fact been constituted, which was designed to keep open the possibility of direct and comprehensive negotiations. The greater the value just now set upon such negotiations, the higher must our expectations be that the Cabinet will take advantage of them to make known to us, confidentially and candidly, in what manner it proposes to bring the relations of the different parts of the monarchy to each other, into definitive harmony with the rightful claims of the Confederation, and with its own obligations arising from former negotiations. The short time at our disposal, hinted at in the despatch of the 26th October, could not, in our eyes, be any hindrance to this. For it could not surely be supposed that we might not forthwith come to an understanding upon something more than an outline of the future position; a not far distant hope might surely be indulged that a point of issue and a basis might be found in the overture of the Danish Government to make it possible to give up, so far as was necessary, an actual determination of a provisional situation.

This, our expectation, has been disappointed. The overture of the 26th October considers that the establishment of a settled Provisorium, in which Holstein should, for the present, hold a position to satisfy the demands of the Confederation for a greater independence of the Duchy in respect of joint affairs, and whose further development, or new formation in future, should be made to depend on the resolution of the States of Holstein, would be sufficient for the attainment of the common object now assumed. The despatch accordingly proceeds at once to lay down a plan for the position of Holstein.

I may here make the remark that in respect of the last-mentioned point, namely, the dependence of any further development upon the assent of the States of Holstein, we are entirely agreed with the Danish Government; and that we also consider the reservation made of the guarantees indispensable to a settled State Administration, as also that of the rights of the Sovereign, and of the other parts of the territory, to be matters of course. But I must add, also, that, for the proposed attainment of a present provisional adjustment, we look upon such understanding with the States of Holstein to be a necessary preliminary. Moreover, I cannot figure to myself the Danish Government otherwise than as holding the feasibility of carrying out such a state of things to be dependent upon an agreement with the States.

If now we look at the propositions contained in the despatch of the 26th October chiefly as a whole, we must say at once that they offer nothing essentially new. The Minister Hall himself remarks that the principles there developed are mainly identical with those which the Government had in view when in the month of March last it proposed a provisional settlement to the States of Holstein. It is true that this proposal is known to us from the transactions of the Federal Diet, to which it was submitted both by the exposition of the Royal-Ducal Government, and by an Address from the States; but it is also known to us at the same time that it was not found possible to come to an understanding with the States by its means; that, on the contrary, the most weighty objections thereto came from that quarter.

Without wishing further to discuss this matter here, I cannot, however, but mention that we, in regard to the simple fact itself, could not really have expected that the Copenhagen Cabinet would put forward, in negotiations whose value in regard to a peaceful settlement was so strongly dwelt upon even by itself, nothing more than what has been

declined by the States already. Could we make it a task for ourselves to discuss the suitableness and practicability of these propositions, both in themselves and with reference to the actual wants and interests of the Duchy, and to come to a judgment upon them, after the representatives of the land principally concerned therein have so decidedly spoken out against them?

The Federal Assembly itself has not yet found an opportunity of expressing itself in in respect of the propositions made to the States, and of the relation of the same to the conditions which it has laid down for the admissibility of a Provisorium.

We, on our part, in forming a judgment thereon, should take no other guide than those very conditions, together with the Federal Resolutions, which for us are authoritative. But even if we could not unconditionally assent to the question of their agreement with these requisitions, as in fact we could not do, we should certainly, in the sincere desire for an understanding, yet still endeavour to find in them the elements and connecting points which, under certain suppositions, might perhaps yet lead to an adjustment of the claims of both sides; and we should not doubt that the Holstein States also would be as ready as we are to follow out further and to develop such connecting points; and on the other side we also may hope that the Danish Government would come forward to meet us on this score.

But in order to be able to take this course with some view of success, we must first be satisfied upon the most important of these suppositions; and therefore I cannot but deeply regret to find this side of the question entirely unmentioned in the despatch of the 26th October.

This is the relation to the negotiations of 1851 and 1852, and the agreements which they have led to.

We must here say, on our part, that the question of the Constitution of Holstein also cannot be exhaustively and finally settled, so long as it is treated by itself, and without reference to those agreements. But the Provisorium now proposed by Denmark is held to be a step in the path towards a definitive settlement, and a very important step for putting away occasions for further collisions. It is to introduce a condition which is, indeed, provisional only, but it is yet almost permanent, and is to serve as a basis for further development. It is also evidently calculated for long duration, not only in its outline, but also in express reference to the future, as, for example, in respect to the yearly increasing importance of the States' right of approval. Can we in this conceal from ourselves the fact that it is but too well calculated to be an obstacle to a future definitive settlement? But the more fully this is the case, the more irresistibly does the question urge itself,—In what relation does it stand to the basis laid down for the definitive arrangement in the above-mentioned negotiations?

We cannot ignore this basis, as is done in the despatch of the 26th of October. It constitutes the necessary point at issue for the present negotiations also. It is the same also for the German Confederation, which in 1852 accepted it at the recommendation of Austria and of ourselves. We cannot conceive the basis otherwise than in the full integrity of its provisions, and we must hold it to be a fruitless attempt to try to induce an assent by asking for separate parts of it, as, for example, a greater independence and autonomy secured to the Duchy of Holstein, as is done in the Danish proposition, even if this autonomy, in reference to common legislative and financial matters, be tantamount to the full equality of right with the other parts of the Monarchy which is promised, and this we can by no means admit to be the case, especially in respect to the Budget.

This equality of rights promised to Holstein stands in necessary connection with the position given to Schleswig by these negotiations. The change in the relations of the two Duchies, the severance of the former close union, has been recognized by the Confederation only with the definite hypothesis of those promises. The promise and the repeated declaration that an incorporation of the Duchy of Schleswig with the Kingdom should not take place, and that no steps should be taken with that object, constituted one of the conditions under which the German Powers have contracted obligations and fulfilled them. The Proclamation of His Majesty the King of Denmark of the 28th January, 1852, was laid, not before the German Powers only, but before the Diet of the Royal-Ducal Government, as an integral part of the negotiations of that date. To leave these facts out of consideration in the present negotiations cannot possibly be conducive to a durable understanding. Moreover, we could not suppose the Danish Government to have the intention again to abandon the basis which in the year 1852 was looked at as the settlement of deplorable differences, and a ground for new friendly relations. It is solely in the view that the expected definitive settlement will in this respect also be correspondent with the legitimate claims of Germany that the Confederation has been able to forbear to bring forward especially those claims until now.

But if now again no explanation be given upon the definitive settlement, if the relations of the Duchy of Schleswig, which formed an integral part of the former negotiations, not only are not mentioned by one word in the despatch of the 26th October, but also it seems to be assumed, as a matter of course, that the Duchy of Holstein is placed over against the rest of the Monarchy joined into one body under a common political institution; if now it is also expressly disputed that only the position claimed for Holstein is grounded on former negotiations,—the Danish Government will easily understand that we, in defence of the rights and interests of the Confederation, and holding fast to the agreement made in 1852, should first of all ask it for explanations in respect of the points indicated, and its own position in regard to the basis laid down in that Agreement, which we consider to be the necessary complement to its present proposition.

To my regret I cannot refrain from declaring that the intimations made up to this time by the Cabinet of Copenhagen, as well as the conduct of the Government in Schleswig, namely, its notorious systematic opposition to the German nationality, as also the practically still continued existence of the Reichsrath for Schleswig, instead of preserving to us the moral guarantees, the strengthening of which was held out to view in the Danish Declaration of the 6th December, 1851, rather render more indispensable for us the demand for such explanations.

Nothing less than an open and satisfactory explanation of the views prevailing in respect of the definitive situation, and also of the relation of the proposed provisional settlement to the provisions of the Agreement of 1852, not mentioned in the despatch of the 26th October, can produce a firm foundation for the negotiations, which we accept with the sincere wish of coming to an understanding.

This, then, is the explanation which I have, first of all, to solicit from the Danish Minister, in reply to his overture of the 26th October. I am glad to be able to add that our view is shared by the Austrian Government.

The exposition thereof contained in the above, I will ask you to bring, in its full extent, to the knowledge of the Minister Hall; and to that effect, you will give him a copy of this despatch.

Receive, &c.
(Signed) BERNSTORFF.

No. 150.

Lord Bloomfield to Earl Russell.—(*Received December* 23.)

(Extract.) *Vienna, December* 19, 1861.

AT an interview which I have had with Count Rechberg I read to his Excellency your Lordship's despatch of the 11th instant, on the Danish question.

Count Rechberg seems desirous to do everything in his power to promote the success of the negotiations, but his Excellency, as your Lordship is aware, leaves the management of them entirely in the hands of Prussia. His Excellency, I must add, considers the negotiations to be seriously opened, and I am sure that no Power in Germany will be better satisfied than Austria if they should result in a pacific settlement of the question, and Austria is certainly well disposed to use her beneficent influence in moderating the extreme pretensions of both sides.

Before leaving Count Rechberg, he read to me a despatch just received from Copenhagen, in which the Austrian Minister gives an account of the communication he had made to the Danish Government in reference to the last instructions from Vienna and Berlin, and nothing apparently could be written in a more conciliatory tone than was this despatch.

No. 151.

M. Hall to M. Quaade (*and*, mutatis mutandis, *to Count Bille-Brahe.*)—(*Communicated to Earl Russell by M. de Bille, January* 2, 1862.)

(Translation.) *Copenhagen, December* 26, 1861.

I CANNOT conceal from you that the Danish Government has suffered a great disappointment from the despatch which is already known to you, and which Herr von Balan, by order of his Government, delivered to me on the 10th instant, to find in it instead of a favourable appreciation of our proposition of the 26th October last, nothing

but essentially new demands, which are too well calculated to weaken the hopes which not we alone have connected with a direct negotiation with the great German Powers, but which are shared by those friendly Powers also, by whose urgent counsels we have taken this step towards a friendly understanding. This, however, shall not prevent us from continuing to do everything in our power to further the negotiations; and in proceeding to do this with all possible speed I shall pronounce upon the several points raised in the said despatch, and following the example set by the Prussian Minister I will not fail to tender our views with perfect candour.

First of all, I must meet the reproach which the Prussian Minister has thought proper to make to us, as though we had, spontaneously, and not rather forced by circumstances and by the example of the German Confederation, declined to endeavour at the attainment, through the present negotiations, of a definitive settlement of the constitutional position of the Duchy of Holstein.

It may be sufficient here to call to mind that the King's Government, which, in the common constitution of the monarchy which has for years prevailed, hoped to have obtained a definitive settlement of our constitutional relations in accordance with the Programme of 1852, has, since this hope was disturbed by the interposition of the German Confederation, repeatedly, though always in vain, endeavoured to attain to a new definitive settlement, by an accordance with the States of Holstein. But these States it was which first pronounced that "however great might be the endeavour of all parties to bring about a satisfactory definitive settlement of the mutual relations of the territories appertaining to the Danish Monarchy, yet probably a long time would necessarily elapse ere the wished-for goal could be reached;" and therefore, they proposed a provisional arrangement, by which the legislative power for joint affairs should be given to them in the same measure as to the Reichsrath. The German Confederation assented to this view. On the presumption that "if the best will be found among all parties, nevertheless, a long time must elapse before a definitive regulation of the constitutional relations of Holstein, grounded on mutual agreement, could be effected towards it and towards the other parts of the monarchy," the Confederation endeavoured to call into existence the provisional State desired by the States of Holstein. Although their claims were destitute of all legal foundation, the Federal Resolution of the 8th March, 1860, declared that they were authoritative for the future; and by the subsequent Resolution of the 7th February last, they were doubly enhanced, inasmuch as a retroactive force was attributed to them, and a formal recognition thereof was demanded from the Danish Government under the threat of Execution. If we, in view of these demands, have been forced to limit our efforts to the avoidance of a contest with the German Confederation by our assent to the Provisorium —putting away all further development of a future Union with the States—if, to this end, we have seriously endeavoured only to come to an understanding with the Confederation upon such interpretation of this Federal Resolution as might render possible the course of a regular administration, and if, in order to obtain the necessary time for this purpose, we have as a preliminary measure already assented thereto, under conditions and for a term limited beforehand, and in a manner going undoubtedly beyond the views of the Confederation, we surely could not expect to be reproached as having unexpectedly, and of our own accord, declined to settle the question in dispute expansively and completely.

It cannot be my object to discuss here the above-mentioned Federal Resolution, with its relation to the Act of Federation, and to the hitherto-followed practice of the Confederation. I only wish to show, by presenting the real state of the case, that the question, as it stands, has not been put by us, but by the German Confederation. If we, moreover, have raised no objection to this manner of stating the question, the reason is not only because it is clear to us that much of the future development must remain in reserve, but also because we wish to hold fast, as long as possible, to the hope that if this further development be made contingent upon an accord with the States, the true interests and sentiments of Holstein would, with a tranquil state of things, bring about a closer annexation with the other portions of the monarchy.

The task of the present negotiations, which must be terminated within a given interval (unfortunately but little taken advantage of, though by no fault of ours), is, therefore, a preliminary solution of the question in what way the Federal Resolution of the 8th March, 1860, shall be satisfied. We were, therefore, necessarily not a little surprised to see all approach to the question set aside by the preliminary question, in what relation the settlement of the constitutional affairs of Holstein, developed in detail in my despatch of the 26th October, stands to the views expressed in the Proclamation of the 28th January, 1852; for such is, in reality, the question how the Federal Resolution of the 8th March can be made to agree with it.

Although certainly it cannot be incumbent on the King's Government to discuss this question, I have no occasion to evade an inquiry which I have only omitted to touch hitherto, that I might not, by useless observations and fruitless complaints about what has been done, prejudice the practical object of the negotiations, which is a friendly understanding. Here also, however, some brief remarks will help to clear up the real state of things.

The Resolution of the German Confederation of the 29th July, 1852, "the provisions ('Bestimmungen') of the Proclamation of 28th June, 1852, so far as they refer to the affairs of the Duchies of Holstein and Lauenburg, are by the nature of the case subject to the constitutional scrutiny and determination of the German Confederation, as being in accordance with the laws and rights of the Confederation," admitted, and it was expressly understood by both parties, that the Confederation should not make use of its relation to the German Duchies for any unauthorized interference with the Government of the independent Danish monarchy.

In Annex 2 of our despatch of the 6th December, 1851, it is said that "His Majesty the King cannot conceal from himself that such a joint constitution and general administration of his States as one entire monarchy will not be possible, unless in the case that no further extension be given to the obligations which the King has assumed as a Member of the German Confederation, and that his sovereignty over his two German Duchies be not bounded or limited further than is required by the existing Federal Legislation accepted by the King of Denmark." And the answer thereto was to the effect that "all further difference which may possibly arise in future between Denmark and the Confederation shall again exclusively be ventilated as within the question of the fundamentally legal competency of the Confederation." (See despatch of 26th December, 1851, of Inclosure No. 4.)

In regard to this fundamentally legal competency, the Prussian Government has itself recently declared that it belongs to the original character of the Confederation not less than to its well-understood interest, "to limit its action to the narrowest measure, in its relations to the internal circumstances, and especially to the constitutions, of individual States." But if the Prussian circular of the 6th June, last year, considered this narrow limitation of the right of the Confederation to interfere in the constitutional affairs of purely German States to be grounded on the records ("Acten") and on the general political nature of the Confederation, we have so much the more right to expect that the same rule would be observed towards a Federal territory, which, like Holstein, is placed in a recognized constitutional union with a State not belonging to Germany.

Unhappily, the German Confederation is far from fulfilling this impartial view in its relations with us. Since the year 1854, the joint Constitution had already existed in its outline; and the silence of the Federal Assembly could only be understood as an admission of its agreement with the intentions made known in 1852. Notwithstanding this, and although no tender from the States of Holstein, or acceptance of any especial guarantee, has afforded a formal justification of the interposition of the Federal Assembly, yet the latter, ever since 1858, has directed its efforts to forcing out the Duchy of Holstein, step by step, from its Constitutional union with the Monarchy based on the Proclamation of the 28th of January, 1852. And since this union was finally dissolved the Confederation has stood in the way, hindering its reconstruction, partly by making the same in opposition to the Proclamation of the 28th of January, 1852, to depend on the consent of the Provincial States of Holstein, although these in any case could, at the utmost, exercise no more than a simple, advising co-operation, as was also unequivocally admitted by the Federal Assembly itself in the year 1858 (see the Minutes of the Diet, pp. 9 and 464); and partly by giving to the expression "like right and independence" ("gleichberechtigung und Selbst-standigkeit"), (the exact definition of which has, however, been always carefully withheld), a sense which, as it has only been shown but too prominently in the Prussian Chamber of Deputies in 1860, is wholly incompatible with the existence of a united State. Finally, the Confederation now demands that a right of legislation and acceptance in respect of joint affairs be given to the States of Holstein in the same extent as to the Reichsrath; which right, by the Proclamation of the 28th of January, 1852, was most distinctly withheld from the sphere of action of the States, in order to be reserved to the common Representative Assembly. And all this interference on the part of the Confederation, constantly increasing for the last four years, has been invariably accompanied by the menace of Execution, which, as directed against the Sovereign, is unexampled in the history of the Confederation, as it is without warrant in its legislation.

Step by step the Danish Government has found itself forced, by the certain prospect of Execution, with its incalculable consequences, to recede from maintaining that position of the Duchy of Holstein in the Monarchy which was the object of the Proclamation of

the 28th of January, 1852, and agreed to by the Federal Resolution of the 29th of July last. And if the Danish Government, taught by five years' bitter experience, now abstains from fruitless endeavours to carry out completely the views of 1852 as was then intended, and if, menaced with an Execution, it declares itself ready to comply also with the last-made demands of the Confederation, that an independent position be granted to the States of Holstein in reference to the common affairs of the Monarchy also, and that every change in this arrangement be made to depend on the concurrence of those States, its view has wholly been directed so to regulate this state of things that all government may not become impossible, and to maintain the Proclamation of the 28th of January, 1852, so far as allowed by the Federal Resolution, and to introduce a state of things which, while satisfying the demands of the German Confederation, may give over any further construction of the Constitutional affairs of Holstein to a free accord with the lawful Representatives of Holstein.

This brief retrospective view of the historical course of the question before us, followed up to this time, will secure to the Prussian Minister the information he desires in regard to the definitive views of the King's Government, both in reference to the constitutional position of Holstein in the Danish Monarchy, and its relation to the views declared thereupon in the Proclamation of the 28th January, 1852. In fact, he will see thereby that if the present state of things corresponds but very imperfectly with our wishes, and with the hopes then cherished, the responsibility thereof cannot rest upon the King's Government, which has been driven to the present arrangement by the repeated threat of Execution. Moreover, it cannot be overlooked in this matter, that not only has the German Confederation held itself authorized to depart from the obligations of 1852, but also that the generally received views of the settlement at that time proposed have since then been essentially modified. The well-known efforts for a more united constitution of the political relations of Germany, which have been shared by the German Governments, and even by the Federal Assembly, are facts upon the appreciation of which I will not here enter; but these, even from a purely German point of view, must necessarily be of great importance to the position of a Federal territory towards a Kingdom not appertaining to the Confederation. For that very reason, with the readiness of the King's Government to take a fair consideration of this state of things, I cannot give up the hope that we may yet succeed, in spite of all misunderstandings, in finding a satisfactory solution for all justifiable demands.

But unfortunately the Prussian Government has not limited itself to mentioning the historical circumstances and the future prospects of the constitutional question of Holstein. I cannot sympathise with the desire of drawing the internal situation of the Duchy of Schleswig also within the sphere of this discussion; for although His Majesty our Most Gracious King, with reference to the Duchies of Holstein and Lauenburg, and because of their political relation to the German Confederation, has been able to conform to many demands founded thereupon, he cannot do so in respect of the Duchy of Schleswig, because that does not appertain to the German Confederation, and he has to defend the sovereign rights of his kingdom, which is not dependent on the German Confederation. It is true that we cannot restrain the Prussian Government from taking the occasion of the negotiations of 1851 and 1852 to pronounce upon their relation to the position of Schleswig; and it will be recollected from the correspondence which took place on the occasion of the proceedings of the Chamber thereupon in 1860, how little reason we have to evade a discussion of this question. But that matter is wholly beside the present question; for in whatever manner the German Confederation has looked upon its competency in relation to Holstein, it has held fast throughout to the view which the Prussian Government expressed in the name of the Confederation, in the year 1851,—to say nothing of earlier events,—"that the relations of the Duchy of Schleswig as a non-German territory were not of themselves a subject for the discussions and proceedings of the German Confederation." In the Federal Resolution, the fulfilment of which is here exclusively under consideration, not a word therefore has been said about that Duchy. Consequently, although I cannot lend my hand to render the solution of the already sufficiently complicated Holstein question more difficult, if not impossible, by introducing an entirely new question wholly foreign to the present negotiations, yet I cannot, on this occasion, refrain from making a positive protest against the erroneous assertions made thereon, which have found their way into the despatch of Count Bernstorff, namely, such expressions as "the notorious systematic opposition to German nationality," and his notice of the actual continuance of the Reichsrath for Schleswig. It cannot possibly be unknown to the Minister that even impartial equity and benevolent kindness afford no defence against systematic calumny, when different nationalities are placed over against each other within the same State; and as to the lawful continuance of the Reichsrath for that part of the Danish Monarchy which does not appertain to the German Confederation, I shall, without going further into this

point, merely refer to the Patent of the 6th November, 1858, accepted with satisfaction by the German Confederation, wherein the same is distinctly stated, as it is also clearly implied in the Federal Resolutions of the 8th March, 1860, and of the 7th February last.

The more painfully we are impressed with this part of Count Bernstorff's despatch, the greater is our wish to hold fast to his repeated assurances that he sincerely desires a successful result of these negotiations. Upon this desire, which is certainly shared by all friendly Powers, I ground the hope that since the King's Government, by its declaration of the 29th July last, came forward at once to meet the wishes of the German Confederation, the Prussian Government will not omit to take a serious consideration of our propositions, which have for their object nothing but the loyal fulfilment of the Federal Resolutions. We may also especially cherish the hope that the German Confederation, to which the States of Holstein have repeatedly pointed as the right tribunal in this matter, will not again make its decision depend on the assent of those States, but itself consider how far our propositions tally with their former Resolutions. In this the Federal Assembly will certainly not fail to bring the claims of Holstein into unison with its own legislation and precedents, as also with the sovereign rights of the Monarch.

In concluding, then, by repeating my request to the Minister of Foreign Affairs that he, by entering upon the affair, will enable us more precisely to clear up such points in our propositions as may appear to him obscure or doubtful, I must not omit to remind him that the meeting of the Reichsrath has been adjourned as far as the constitution of the Government allows, and that therefore the time is at hand when the King's Government will find itself obliged to lay before it the Budget for the next financial period. It is known to the Prussian Government that a prolongation of the present provisional state beyond the close of the existing financial period is not possible. In reference to this I may appeal to the declaration of the Prussian Government, that as a matter of course it is far from its intention in any way to prejudice the conditions of a settled State administration, or the rights of the Sovereign, and of the other parts of the territory not appertainining to the German Confederation.

I will request you to give a copy of this despatch to his Excellency the Minister for Foreign Affairs.

I have, &c.
(Signed) C. HALL.

No. 152.

Lord Bloomfield to Earl Russell.—(Received January 6.)

My Lord, *Vienna, January 2, 1862.*

COUNT BILLE-BRAHE, the Danish Minister, has this day delivered to Count Rechberg the answer of his Government to the last Austrian communication on the subject of the Duchies. Count Rechberg said to me that it is an unsatisfactory despatch; it states that the relations of Schleswig must remain excluded altogether from the negotiation, that Duchy belonging to Denmark, and having no connection with the German Confederation, and that Denmark thus refuses, as it were, to entertain the arrangements made with Austria and Prussia in 1852.

His Excellency added, that to judge from a cursory examination of the paper which had just been left with him, he must say that the Danish Government had not evinced much desire to come to an understanding with Germany. That he should refer the question to Berlin, and leave in the hands of Count Bernstorff the preparation of the joint answer which Austria and Prussia will send to this communication.

I have, &c.
(Signed) BLOOMFIELD.

No. 153.

Lord A. Loftus to Earl Russell.—(Received January 6.)

(Extract.) *Berlin, January 4, 1862.*

M. DE QUAADE, the Danish Minister at this Court, informed me, yesterday, that he had communicated to Count Bernstorff on the 1st instant, and placed in his Excellency's hands a copy of the despatch addressed to him by M. Hall, in reply to the Prussian despatch of the 6th ultimo, on the question of the Danish Duchies.

This despatch, which is a very profuse document, enters into a long argument to prove that the Danish Government had acted only in consonance with the wishes of Germany, in proposing a provisional arrangement; and he then proceeds to prove that the Decree of the Diet of the 8th of March is not in harmony with the arrangement entered into in 1851 and 1852.

I have not yet perused this very diffuse paper, but am informed by M. de Quaade that Count Bernstorff evinced, several times during its perusal, signs of impatience and disapproval. Of course his Excellency could express no decided opinion upon it until he had carefully considered the arguments it contained.

I have not spoken to Count Bernstorff on the subject of Holstein since I addressed to your Lordship my despatch of the 7th ultimo, as I think it more prudent to abstain from any comments or interference during the continuance of the confidential negotiations between Denmark and the two German Powers. If (which appears to me probable) these negotiations should be broken off, either party, or both, may appeal to the mediation of the European Powers; and it is therefore advisable, in view of that eventuality, that those Powers should abstain from all interference or expression of opinion as to the merits of the present negotiations.

I have expressed this opinion to my French and Russian colleagues, who both consider this course as the most advisable.

If the present litigants should be unable to come to an arrangement of these very complicated differences between themselves, it appears to me that there will remain no other course but to revert to the original proposal of your Lordship to submit the question to an European Conference; and I am even inclined to think that this eventual course will be more favourably received by Count Bernstorff than it was by his predecessor in office, as the only means offered of solving these difficulties without having recourse to war.

No. 154.

Count Manderström to Count Wachtmeister.—(Communicated to Earl Russell by Count Wachtmeister, January 11, 1862.)

M. le Comte, *Stockholm, le* 29 *Décembre,* 1861.

LE Gouvernement de Sa Majesté le Roi de Danemark nous a fait part de la dépêche qu'en date du 5 du courant M. le Comte de Bernstorff a adressée à M. le Ministre de Prusse à Copenhague, en réponse aux ouvertures faites par le Gouvernement Danois pour un réglement de l'affaire du Duché de Holstein. Je ne doute point que cette pièce ne soit parvenue également à la connaissance du Gouvernement de Sa Majesté Britannique.

Je ne saurais vous cacher, M. le Comte, que c'est avec un sentiment de pénible surprise que le Gouvernement du Roi a vu, que bien loin de tendre la main au projet d'arrangement mis en avant par le Gouvernement Danois, celui de Sa Majesté le Roi de Prusse, sans formuler d'une manière plus précise que depuis l'origine du dissentiment et jusqu'à ce jour les exigences de la Confédération Germanique en ce qui concerne le Holstein, ne s'est point borné à rejeter comme insuffisantes les propositions faites à l'égard de ce Duché, mais qu'en même temps il a mis en avant toutes ses anciennes prétentions sur le Duché de Slesvig. Nous avions mieux auguré de la reprise de ces négociations, et nous nous étions flattés qu'on se serait enfin rendu compte en Allemagne de l'impossibilité pour le Danemarc d'admettre l'ingérence de la Confédération Germanique, ou de toute Puissance étrangère quelconque, dans les affaires relatives aux parties de la Monarchie qui n'appartiennent point à la Confédération. En plaçant la question sur un terrain que le Gouvernement Danois ne veut et ne peut admettre comme discutable, la Prusse nous paraît assumer la responsabilité de la rupture des négociations, qui nous paraît devoir devenir une suite immanquable de sa réponse. En mêlant à la question du Holstein, à laquelle tout le monde reconnaît un caractère exclusivement Allemand, celle du Slesvig, le Cabinet de Berlin lui imprime lui-même un caractère Européen, et nous paraît justifier un recours de la part du Danemarc aux Puissances non Allemandes signataires du Protocole de Londres, dans le but de sauvegarder son indépendance des atteintes dirigées contre cet Etat. Nous ignorons si le Cabinet de Copenhague croira devoir, dès à présent, se prévaloir d'un pareil recours, mais nous n'hésitons pas à dire qu'il nous paraitraît complètement justifié par les circonstances. Nous aimons à croire que l'Allemagne ne pourra trouver dans le refus du Danemarc d'entrer en négociation sur les intérêts d'une partie de cette Monarchie qui n'appartient point à la Confédération, un motif pour se porter à une Exécution Fédérale; mais si, contre notre

attente, tel était le cas, une pareille conjoncture formerait, à notre avis, une atteinte trop flagrante à l'indépendance et à l'intégrité de la Monarchie Danoise pour ne pas réclamer l'attention la plus sérieuse et le concours le plus prononcé des Puissances qui s'en sont rendues garantes.

Le constant et sincère intérêt que le Roi a voué à un Etat limitrophe et allié, joint à l'immense importance qu'offre pour nous une question qui constitue un danger permanent pour la conservation de la paix et de la tranquilité dans le Nord, a inspiré à Sa Majesté le désir de chercher à amener, dès à présent, entre les Puissances signataires du Protocole de Londres une entente sur cette question ; et c'est par son ordre que je vous invite, M. le Comte, à faire de la présente dépêche l'objet d'une communication à M. le Comte Russell, et de me faire part de l'opinion du noble Lord sur cette affaire.

En attendant, et dans l'état présent de la question, nous avons cru devoir faire connaître au Gouvernement de Sa Majesté Danoise qu'à notre avis la marche qu'il lui conviendrait adopter, serait de mettre à exécution le plan d'une séparation administrative aussi complète que possible du Holstein d'avec le reste de la Monarchie et de saisir le Conseil Suprême du Royaume d'un projet pour régler ces rapports ; de bien prendre soin de réserver aux Etats du Holstein tout ce qui se rapporte à la législation de ce Duché et aux dépenses qui y deviendraient nécessaires en sus du Budget normal de ce Duché ; ainsi que de se prêter généralement en tout aux exigences de la Confédération Germanique pour ce qui regarde le Holstein.

Par contre, nous n'avons pu conseiller au Danemarc aucune concession en ce qui concerne le Slesvig ; mais nous n'avons pas manqué d'insister, en cette occasion comme nous l'avons fait déjà, sur l'opportunité, aussitôt que les rapports avec le Holstein auront été définitivement réglés, d'accorder, *proprio motu*, et dans l'intérêt des sujets de Sa Majesté Danoise dans cette province, dont le bien-être lui tient sans aucun doute à cœur à l'égal de celui de tous ses autres sujets, les réformes qui paraîtraient utiles et équitables. C'est là un point sur lequel nous ne pouvons nous permettre de trop appuyer, mais nous nous flattons que ces conseils, dictés par un intérêt amical, seront reçus par le Gouvernement Danois dans le même esprit que celui qui les a inspirés.

Vous êtes autorisé, M. le Comte, à faire lecture à Lord Russell de la présente, et à en laisser copie, si sa Seigneurie en exprimait le désir.

Agréez, &c.
(Signé) MANDERSTRÖM.

(Translation.)

M. le Comte, *Stockholm, December* 29, 1861.

THE Government of His Majesty the King of Denmark has communicated to us the despatch dated the 5th instant which Count Bernstorff has addressed to the Prussian Minister at Copenhagen, in reply to the overtures made by the Danish Government for a settlement of the affair of the Duchy of Holstein. I do not doubt that this document has likewise come to the knowledge of the Government of Her Britannic Majesty.

I cannot hide from you, M. le Comte, that it was with a sentiment of painful surprise that the King's Government saw that, very far from looking favourably at the project of an arrangement put forward by the Danish Government, the Government of His Majesty the King of Prussia, without recording in a more precise manner than it has from the commencement of the dispute, and until this day, the demands of the Germanic Confederation, as far as concerns Holstein, has not confined itself to rejecting as insufficient the propositions made with regard to that Duchy, but has at the same time put forward all its former pretensions as to the Duchy of Schleswig. We had augured better of the resumption of these negotiations, and we had flattered ourselves that in Germany they would have at length taken into account the impossibility of Denmark admitting the interference of the Germanic Confederation, or of any other foreign Power whatsoever, in questions relating to portions of the Monarchy not belonging to the Confederation. In placing the question on grounds which the Danish Government will not and cannot admit to be capable of discussion, Prussia appears to us to assume the responsibility of the breaking off of negotiations, which it appears to us must without fail be the consequence of her reply. In mixing up the question of Holstein, which all the world acknowledges to have an exclusively German character, with that of Schleswig, the Cabinet of Berlin itself impresses it with an European character, and appears to us to justify recourse on the part of Denmark to the non-German Powers who signed the Protocol of London, with the object of securing the independence of that State from the attacks directed against it. We are not aware whether the Cabinet of Copenhagen will think it right at present to avail itself of such an appeal, but we have no hesitation in saying that it would seem to us

completely justified by the circumstances. We wish to believe that Germany will not be able to find in the refusal of Denmark to enter into negotiations with regard to the interests of a portion of that Monarchy which does not belong to the Confederation, a motive for proceeding to a Federal Execution; but if, contrary to our expectation, such should be the case, such a juncture would, in our opinion, be too flagrant an invasion of the independence and the integrity of the Danish Monarchy, not to demand the most serious attention, and the most open support of the Powers which have made themselves their guarantors.

The constant and sincere interest which the King has devoted to a bordering and allied State, joined with the immense importance to us with which is fraught a question which constitutes a standing danger for the preservation of peace and tranquillity in the North, has inspired His Majesty with the desire to seek from the present time to bring the Powers which signed the Protocol of London to an understanding upon this question; and by his orders I invite you, M. le Comte, to make this despatch the subject of a communication to Earl Russell, and to inform me of the opinion of the noble Lord upon this affair.

Meanwhile, in the present state of the question, we have thought it our duty to apprise the Government of His Danish Majesty that in our opinion the course suitable for him to adopt would be to put into execution the idea of an administrative separation, as complete as possible, between Holstein and the rest of the Monarchy, and to charge the Supreme Council of the Kingdom with a project for determining their mutual relations; to take good care to reserve to the States of Holstein all that relates to the legislation of that Duchy, and to the expenses which would become necessary in it in excess of the ordinary Budget of that Duchy; as well as generally in all matters to consult the exigencies of the Germanic Confederation in what concerns Holstein.

On the other hand, we have not been able to counsel Denmark to make any concession in what concerns Schleswig; but we have not failed to insist on this occasion, as formerly at every opportunity, that as soon as relations with Holstein shall have been definitively regulated, the reforms which may appear useful and equitable shall be granted *proprio motu*, and in the interests of His Danish Majesty's subjects in that province, whose welfare, doubtless, is equally as near his heart as that of all his other subjects. That is a point upon which we may not permit ourselves to press very strongly, but we flatter ourselves that these counsels, dictated by a friendly interest, will be received by the Danish Government in the same spirit as that which has inspired them.

You are authorized, M. le Comte, to read this despatch to Lord Russell, and to leave him a copy of it, if his Lordship should express a wish for it.

Receive, &c.

(Signed) MANDERSTRÖM.

No. 155.

Lord A. Loftus to Earl Russell.—(*Received January* 13.)

My Lord, *Berlin, January* 11, 1862.

I AM informed from a private source that in consequence of the reply of the Danish Government to their last communication, it is the intention of the Prussian Government to propose to the Cabinet of Vienna to refer the whole question of the Danish Duchies to the Germanic Diet.

This step will be tantamount to a rupture of the confidential negotiations between the two German Powers and Denmark.

I am not enabled to confirm the above information from an official source, as, for the reasons stated in my despatch of the 4th instant, I have carefully abstained from addressing any question to Count Bernstorff on the subject.

M. Hall's last despatch has been published in a Hamburgh paper; consequently the Prussian papers have now published all the previous communications which have taken place since the confidential negotiations commenced in October last.

This course appears to be inconsistent with the confidential nature which these negotiations were to bear, and I consider that the publication of these documents during the period of the negotiations is very impolitic, and likely to be most prejudicial to their successful issue.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 156.

Mr. Paget to Earl Russell.—(*Received January* 13.)

My Lord, *Copenhagen, January* 8, 1862.

I HAVE, on several occasions, lately endeavoured to persuade the Danish Government to carry out at once, and of their own free and spontaneous will, such measures for Schleswig as might put an end to further controversy on this subject. In urging the adoption of this course I have referred to the frequent assurances which I have, at different times, received of the willingness of the Government to place Schleswig upon another footing if once the Holstein question was settled, and, under these circumstances, I have pointed out the good policy of acting at once instead of waiting for the contingency referred to. I have said I did not believe that anything would be more calculated to place the Danish cause well before Europe, or more likely to obtain for Denmark the active and efficient support of the Governments of the great Powers. In order to be precise in my meaning, I have recommended that the same complete liberty should be granted in Schleswig which exists in Denmark Proper.

I regret to say that I see no more probability of this advice being acted on now than at any former time. The opposition of the Danish Government at this moment appears to me to arise not so much from personal disinclination to adopt the measures suggested, as from an apprehension that if they did so the support of their party would be withdrawn from them. But, however this may be, it is evident that we are moving round a vicious circle, from which a satisfactory issue seems hardly possible. On the one hand, there is little probability that the German Powers will adhere to any arrangement respecting the German Dutchies which does not include, or is not preceded by, the establishment of a new state of things in Schleswig, while the Danish Governmeut is equally determined to do nothing for Schleswig so long as its differences on the Federal question are not satisfactorily arranged.

In the event of the unsatisfactory termination of the present negotiations, I have pressed upon M. Hall the importance of arranging respecting the financial question so as to remove any pretext for an Execution; and his Excellency has assured me that he will be prepared with such a plan—the principal outlines of which, he said, he would shortly communicate to me for submission to your Lordship—as would give every security to the interests of Holstein.

I have, &c.
(Signed) A. PAGET.

No. 157.

Mr. Paget to Earl Russell.—(*Received January* 13.)

My Lord, *Copenhagen, January* 8, 1862.

WITH reference to my previous despatch of this day's date, I may mention that, in discussing the affairs of Schleswig, M. Hall has frequently said that no changes could be made in that Duchy which were not accompanied by a new Electoral Law which would ensure a correct representation of the feelings and interests of the inhabitants. The present composition of the Diet was, he said, so decidedly German and hostile to the Danish Government that it would be hopeless to expect that any proposition for a change in the Electoral Law would be sanctioned by the majority of the Diet, even though offers of the most complete liberty were made at the same time.

I replied that I did not think this was a reason for not making the attempt. If the Danish Government, I said, made liberal proposals to the Schleswig Diet, and the Diet chose to reject them, the responsibility would be with them. The Danish Government would then have done its duty, and could no longer be accused of a desire to perpetuate the state of things now complained of.

I have, &c.
(Signed) A. PAGET.

No. 158.

Mr. Paget to Earl Russell.—(Received January 13.)

(Extract.) *Copenhagen, January 9, 1862.*

MY Swedish colleague has had the goodness to show me a despatch addressed by Count Manderström on the 29th ultimo* to the Representatives of Sweden at London, Paris, and Petersburgh, relative to the Prussian answer to the Danish proposals of the 26th of October. Your Lordship is, of course, already in possession of a copy of this document, and it is, therefore, unnecessary that I should do more than briefly allude to that part of it which has formed the subject of a short conversation to-day between M. Hall and myself.

Towards the end of the despatch Count Manderström observes that there is every reason to believe the Danish Government, after an arrangement for Holstein had been agreed upon, will introduce the necessary reforms into Schleswig so as to place the state of that Duchy in harmony with that of Denmark Proper. This is exactly in accordance with the assurances of the Danish Government oftentimes repeated; but unfortunately it offers no satisfaction to the German Powers, who persist in requiring that the new arrangements for Schleswig shall be simultaneous with those for Holstein.

No. 159.

Earl Russell to Mr. Jerningham.

Sir, *Foreign Office, January 15, 1862.*

ON the 11th instant Count Wachtmeister communicated to me a despatch on the affairs of Holstein and Schleswig, of which I inclose a copy.*

Her Majesty's Government would willingly have abstained from giving any intimation of their opinions in the present stage of this discussion. But the express desire of the Government of the King of Sweden, and the extreme divergence of the views expressed by Count Bernstorff and M. Hall in their late despatches, induce Her Majesty's Government to break this silence, and give at least a provisional opinion upon a provisional state of things.

Her Majesty's Government desire the welfare of Germany, the independence of Denmark, and the maintenance of the peace of Europe. Guided by this spirit, and entirely impartial in their judgments, Her Majesty's Government proceed to examine the present position of the embarrassing question before them.

When the Governments of Prussia and of Denmark showed a disposition to avoid the evils of a Federal Execution, and to discuss this question between the Courts of Prussia and Austria on behalf of Germany on one side, and the Court of Denmark on the other, Her Majesty's Government did all in their power to facilitate the opening of this negotiation, hoping that it might tend to an amicable settlement of the points so long in dispute.

This unhappily has not been the case. The negotiation which seemed to promise harmony has only revealed wider estrangement, and the tone of the despatches of Count Bernstorff and M. Hall is rather that of embittered controversy than of friendly intercourse.

Her Majesty's Government greatly regret this state of things; but they cannot, with the Government of His Swedish Majesty, throw the blame entirely on one of the two parties. It is necessary for the purpose of explanation to go into a somewhat wide though general discussion.

The chief points upon which the Governments of Prussia and Austria have insisted in this long controversy appear to be the following:—

1. That the Duchies of Holstein and Lauenburg should not be bound by laws to which their own Legislatures have not consented.

2. That the Duchies of Holstein and Lauenburg should not pay taxes which have not been sanctioned by their own Representative Assemblies.

3. That the Duchy of Schleswig should not be incorporated in the Kingdom of Denmark.

4. That the Duchy of Schleswig should dispose of its own local affairs by its own Diet.

5. That inhabitants of German nationality in Schleswig should have equal rights with inhabitants of Danish nationality.

* No. 154.

The first two of these articles concern the German Confederation, the three latter concern the Danish Duchy of Schleswig.

There is this essential difference between the German Duchies and the Danish Duchy, that the German Duchies are under the direct jurisdiction of the German Confederation. The Diet of Germany may issue its decrees concerning them in pursuance of its own laws, and execute those decrees by its own authority, while the Danish Duchy is no part of the Confederation, and can only be treated of as part of a European kingdom.

But while this distinction is undeniable, it is also true that the King of Denmark gave certain promises in regard to Schleswig to the Governments of Prussia and Austria in 1852, and that in consequence of those promises Prussia and Austria induced the German Diet to be satisfied with the arrangements of 1852, and to return from a state of war to a state of peace.

Her Majesty's Government would have wished, as the Government of Sweden wished, that the Prussian Government had shown a willingness to settle the two points relating to the German Duchies on the invitation of Denmark, and had reserved the question of Schleswig for a separate negotiation. The German Diet might then have been satisfied, and a great difficulty in the way of a final settlement removed.

But when the Government of Prussia allege that since 1852 they have been disappointed in regard to the fulfilment of the promises of 1852; that the German inhabitants of Schleswig have suffered from that time to the present sundry oppressions; and that a settlement of the question of the German Duchies would defer, if not altogether destroy, the hope that the King of Denmark would completely and honourably fulfil his promises to Schleswig, Her Majesty's Government are not in a condition to refute these allegations. Her Majesty's Government were in hopes that M. Hall, in reply to the last despatch of Count Bernstorff, instead of a total denial of the competency of Germany to interfere in Schleswig, would have proved, or endeavoured to prove, that the promises of 1852 were at this moment practically fulfilled in the Duchy of Schleswig. He has not done so. He has contented himself with writing an able controversial despatch.

I am happy to see, by Count Manderström's despatch, that the Swedish Government has not failed to urge His Danish Majesty to grant *proprio motu*, and in the interest of his subjects in the Duchy of Schleswig, whose welfare is, no doubt, equally dear to him with that of all his other subjects, such reforms as shall appear useful and equitable. In this sentiment Her Majesty's Government entirely agree with that of His Swedish Majesty. But they do not see, with the Swedish Government, the necessity of waiting till the relations of Denmark and Holstein are definitively settled. On the contrary, Her Majesty's Government are of opinion that the King of Denmark should enable himself to show to Germany and to Europe that his promises of 1852 are scrupulously carried into execution; that his German subjects in Schleswig are, equally with his Danish subjects, the objects of his impartial protection; that the Local Diet of Schleswig, fairly elected and fairly constituted, has all the powers necessary for the well-being and social happiness of Schleswig.

It is the earnest desire of Her Majesty's Government that neither Prussia, nor Austria, nor the other German Powers, should have any pretext for interference in the affairs of Schleswig. Such interference in behalf of the 180,000 German inhabitants of Schleswig could only produce dissensions and ill-will among the rest of the population, amounting in the whole to upwards of 400,000 of the Duchy of Schleswig.

But in order to avoid such interference, and to justify the interest which the non-German Powers of Europe take in the welfare of Denmark, it is necessary that the Danish Government should make its case in Schleswig clear, complete, and unanswerable.

You are instructed to give a copy of this despatch to Count Manderström.

I am, &c.

(Signed) RUSSELL.

No. 160.

Earl Russell to Lord A. Loftus.

My Lord, *Foreign Office, January 15, 1862.*

WITH reference to your despatch of the 4th instant, relative to the Danish Duchies, I have to instruct your Lordship to take an opportunity of inquiring whether Count Bernstorff means to answer the last despatch which M. Hall addressed to his Government on the 26th ultimo upon this subject.

I am, &c.

(Signed) RUSSELL.

No. 161.

*Earl Russell to Mr. Paget.**

Sir, *Foreign Office, January* 15, 1862.

I HAVE received, and laid before the Queen, your despatch of the 8th instant, and I have to inform you that Her Majesty's Government approve the language you have used to the Danish Government relative to the Schleswig-Holstein question, and concur in the views you express in regard to the Holstein Budget.

I inclose a copy of a despatch which I have addressed to Her Majesty's Minister at Stockholm on the subject of the Danish Duchies,† and I have to instruct you to communicate this despatch to the Danish Government, and to urge them to adopt a large and liberal policy towards Schleswig, as well as Holstein.

I am, &c.
(Signed) RUSSELL.

No. 162.

Earl Cowley to Earl Russell.—(Received January 18.)

My Lord, *Paris, January* 17, 1862.

I HAVE read to M. Thouvenel, as instructed by your Lordship's despatch of the 15th instant, your despatch to Mr. Jerningham of that date, written in reply to M. Manderström's despatch of the 29th ultimo to Count Wachtmeister, on the present state of the Danish Duchies question.

M. Thouvenel said that I might inform your Lordship that he agreed entirely in the views of Her Majesty's Government as expressed in your Lordship's despatch; that he had already spoken in the sense of them to the Danish Minister here; and that he would send instructions to the French Minister at Stockholm in similar language.

I have, &c.
(Signed) COWLEY.

No. 163.

Count Manderström to Count Wachtmeister.—(Communicated to Earl Russell by Count Wachtmeister, January 25.)

(Extrait.) *Stockholm, le* 12 *Janvier*, 1862.

JE crois devoir vous faire part pour votre information d'une dépêche du Ministre du Roi à Berlin touchant l'accueil qu'y a trouvé la réponse Danoise du 26 Décembre dernier. Il y avait tout lieu à s'attendre qu'on n'en serait pas très content; mais il faut espérer qu'on y pensera à deux fois avant de rompre les négociations.

Nous avons nous flatter que les Cabinets de Londres et de Paris useront de toute leur influence pour empêcher des complications dont les suites pourraient être incalculables.

Je vous engage, M. le Comte, à vous prononcer fortement à ce sens dans les entretiens que vous aurez avec M. le Comte Russell.

(Translation.)

(Extract.) *Stockholm, January* 12, 1862.

I THINK it right to communicate to you, for your information, a despatch from the Minister of the King at Berlin respecting the reception there given to the Danish reply of the 26th December last. There was every ground to expect that it would not give much satisfaction; but we must hope that they will consider it again before breaking off negotiations.

We may flatter ourselves that the Cabinets of London and of Paris will use all their influence to prevent complications whose consequences might prove beyond calculation.

I beg you, M. le Comte, to speak strongly in this sense in your communications with Earl Russell.

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* Similar despatches (omitting the first paragraph) to Lord Cowley, Lord Bloomfield, Lord A. Loftus, and Lord Napier.

† No. 159.

Inclosure in No. 163.

M. Järta to Count Manderström.

Le 4 *Janvier*, 1862.

LA dépêche par laquelle, en date du 26 Décembre dernier, M. Hall réplique à ceux du Comte de Bernstorff du 5 du même mois concernant la question Holsteinoise a été communiqué avant-hier à ce dernier par M. de Quaade. Cette communication, comme il était à prévoir, a produit sur l'esprit du Ministre Prussien une impression peu agréable. Quoique son Excellence ait déclaré ne pas pouvoir se prononcer définitivement à son sujet avant d'avoir eu le temps de bien examiner les nouveaux arguments de M. Hall, les réflexions que pendant la lecture de la dépêche elle a laissé échapper ont cependant, selon mon collègue Damois, beaucoup diminué l'espoir qu'on avait pu un moment concevoir sur la possibilité de voir aboutir les négociations, en indiquant clairement la résolution de la Prusse de n'admettre comme bases de celles-ci que les stipulations de 1851 et 1852.

M. de Bernstorff aura entr'autres dit avec un peu de vivacité que si le Cabinet de Copenhague ne voulait pas maintenir la dite base il y avait bien une autre laquelle l'Allemagne serait également prête à adopter, savoir, celle de l'union de 400 ans qui existait entre les Duchés du Holstein et du Slesvig.

Ce langage ne doit cependant aucunement étonner, lorsqu'on sait que les Chambres Prussiennes sont à la veille de se réunir, la ligne de conduite suivie jusqu'ici dans cette question par le Gouvernement Prussien autorisant à supposer que celui-ci ne manquera point de s'en servir en exagérant même s'il le faut les complications qui en pourraient surgir pour tâcher de vaincre l'opposition des nouveaux Députés au Budget militaire.

(Signé) C. AUG. JAERTA.

(Translation.)

January 4, 1862.

THE despatch dated the 26th December last, in which M. Hall replies to those of Count Bernstorff of the 5th of the same month respecting the Holstein question, was communicated on the day before yesterday to the latter by M. de Quaade. That communication, as might have been anticipated, produced no very agreeable impression upon the mind of the Prussian Minister. Although his Excellency declared that he was unable to give his views definitively with regard to it until he had had time to examine thoroughly M. Hall's new arguments, the remarks which he let drop during the reading of the despatch have nevertheless, according to my Danish colleague, much diminished the hope that at one moment might have been conceived as to the possibility of seeing the negotiations come to an end, by clearly indicating the resolution of Prussia to admit of no bases to them but the stipulations of 1851 and 1852.

M. de Bernstorff, in the course of his remarks, stated, with some impatience, that if the Cabinet of Copenhagen would not maintain the said basis, there was still another which Germany would be equally ready to adopt, which was, the union which had subsisted for 400 years between the Duchies of Holstein and Schleswig.

This language should, however, create no degree of astonishment, since we know that the Prussian Chambers are on the eve of reassembling; the line of conduct hitherto followed on this question by the Prussian Government allowing us to suppose that the latter will not fail to avail themselves of it to exaggerate even, if possible, the complications which might arise therefrom in order to seek to overcome the opposition of the new Deputies to the Military Budget.

(Signed) C. AUG. JAERTA.

No. 164.

Lord Bloomfield to Earl Russell.—(Received January 27.)

My Lord, *Vienna, January* 23, 1862.

IN fulfilment of the instructions contained in your Lordship's despatch of the 15th instant, I have thought it advisable to read to Count Rechberg your Lordship's despatch of the 15th instant to Her Majesty's Minister at Stockholm.

I was surprised to find that Count Rechberg had no knowledge whatever of Count Manderström's despatch to Count Wachtmeister, which formed one of the inclosures in your Lordship's despatch to me; neither was he aware that any communication had been made by the Swedish Government on the subject of the Danish Duchies since they had been made acquainted with Count Bernstorff's despatch of the 5th ultimo.

When I had concluded reading, Count Rechberg desired me to thank your Lordship for the communication, and expressed his entire satisfaction at the very able and clear exposition of the question to be found in your despatch. He admired the conciliatory spirit in which it is written, and seemed of opinion that it must be favourably received by all the parties interested.

I have, &c.
(Signed) BLOOMFIELD.

No. 165.

Lord A. Loftus to Earl Russell.—(Received January 27.)

(Extract.) *Berlin, January 25, 1862.*

I HAD an interview with Count Bernstorff on the evening of the 21st instant, when, in pursuance of the instructions contained in your Lordship's despatch of the 15th instant, I communicated to his Excellency your Lordship's despatch of the same date to Her Majesty's Minister at Stockholm, in reply to a despatch from Baron Manderström on the subject of the Danish Duchies.

Count Bernstorff begged me to express his thanks to your Lordship for the manner in which the proposals of the Swedish Government had been met. He stated that he did not take as despairing a view of the present negotiations as was pourtrayed in your Lordship's despatch, and he seemed to consider that a door was left open in the last Danish communication which gave him hopes that these negotiations might still bring about an amicable arrangement with Denmark.

With reference to that part of your Lordship's despatch recommending that Denmark should, *proprio motu*, introduce those reforms into the Government of Schleswig as should appear just and equitable, and which should ensure the well-being and social happiness of that Duchy, Count Bernstorff observed that although these reforms were urgently required, and were highly desirable, still the real question at issue with Germany was political.

I here observed to his Excellency that he had taken up entirely new ground in this discussion. His predecessor had repeatedly stated to my colleagues and myself that the question then at issue between Germany and Denmark referred solely to Holstein, and was exclusively within the domain of German jurisdiction. Baron Schleinitz had likewise confined his endeavours to bringing about a "provisional arrangement" for Holstein; whereas since his Excellency's accession to office, the whole question had assumed a wider scope, and a new basis had been proposed for its solution.

Count Bernstorff replied, that he neither made illusions to himself on this subject, nor did he wish to make them to me. The question of Holstein could not be solved without including that of Schleswig. He observed that the engagements taken by Denmark referred expressly to two points, namely, that no measure should be taken even tending to an incorporation of that Duchy into the Monarchy; and secondly, that the Duchy of Schleswig should have a position of "perfect equality" ("gleichberechtigung") and independence ("unabhangigkeit"). These two expressions ("gleichberechtigung" and "unabhangigkeit") were the express terms used.

Now, said his Excellency, neither of these engagements can be said to be fulfilled so long as the Duchy of Schleswig remains under the action of the Reichsrath, which is the great governing body, and wherein the Danish element preponderates; consequently so long as the Reichsrath is maintained in its present form, so long will the question of Schleswig be one of dispute, and so long will the engagements of Denmark towards Germany be considered as unfulfilled.

I here remarked to his Excellency that any change as regarded this institution would imply the rescinding of the principle of the common constitution of the whole Monarchy, and that Germany had offered no remonstrances in 1856 when that constitution was framed, but had apparently given a silent consent to it. Count Bernstorff maintained that the common constitution ("gesammt Verfassung") as now existing, was not, in regard to its application to Schleswig, in consonance with the engagements taken by Denmark towards Germany, nor with the ancient rights and privileges of the Duchy itself. He denied that Germany had expressed any approval of that Constitution when first established; on the contrary, he observed that it was against its application to Holstein that the just complaints of the Duchies of Holstein and Lauenburg were addressed to the Diet, which led first to its suspension, and subsequently in 1858 to its annulment, as regards those Duchies, in consequence of the intervention of the Diet.

If, continued Count Bernstorff, the Danish Government should agree to extend to Schleswig the same proposals they have now made for Holstein, Germany would be satisfied; but as those proposals now stand they amount in fact to establishing the Eider as the frontier. to a separation of Holstein from Schleswig, and to a virtual incorporation of Schleswig.

I here observed that as regarded Holstein the intervention of Germany was legal and indisputable, but that the Diet had no right to interfere in the internal administration of Schleswig, and still less to impose on the King of Denmark any particular form of government for that Duchy.

Count Bernstorff acknowledged the justice of my observation in one sense, but he added that the question of Schleswig was an international one; that engagements had been taken towards Germany, and that Germany had as perfect a right to insist on the fulfilment of those engagements by Denmark, as one independent State would have towards another independent State. As a body, the Diet could declare war or make peace; consequently, the right of the Diet to regard this question as one of an international character was indisputable.

I did not continue the discussion on this ground, for it signifies very little, if war should arise between Germany and Denmark, whether that war is undertaken on federal or international grounds; the only point of importance being that in the former case a Federal Execution in a German province is of purely a German character, whereas a war which should lead Germany beyond the Eider would assume at once an European character and importance.

I then thought it advisable to invite his Excellency's attention to the practical solution of this very thorny and complicated question.

I remarked that all parties were turning in a vicious circle from which there now appeared little hope of extricating them. Would Germany, I inquired, agree to a settlement of the Federal question regarding Holstein, on condition that the question of Schleswig should form a separate matter for negotiation? His Excellency replied, certainly not; what guarantee should we have that if the Holstein question is definitively arranged, Denmark will carry out her engagements regarding Schleswig? Besides, he observed, Denmark can at any moment bring the Holstein question to a settlement by agreeing to the Decrees of the Diet. He added that no course could lead to a final and satisfactory arrangement unless the action of the Reichsrath was annulled as regarded Schleswig.

On this point I appealed to his Excellency as to whether he really thought that there was any Ministry in Denmark, of any party, who would dare to propose such a measure? It appeared to me, therefore, that the exigencies of Germany, which under his Ministry were assuming alarming proportions, amounted to little short of requiring of Denmark an impossibility, and that no Government could be asked to take a course which was beyond the attributes of their legal power.

I must not omit to state that in the course of conversation Count Bernstorff referred, as being perhaps the only real mode of arriving at a perfect solution of these differences, to a partition of the Duchy of Schleswig according to its nationality: the northern, or Danish part being incorporated into the Kingdom; the southern and German part being annexed to Holstein.

With reference to the arrangements of 1851 and 1852, Count Bernstorff again repeated to me that if the Danish Government were to say that these engagements are no longer capable of execution, it might be then possible to establish some new basis for the negotiations. But it is evident that it will always come round to the same point, namely, that Schleswig must be independent of the Reichsrath, and that it must have its separate Legislature.

No. 166.

Lord A. Loftus to Earl Russell.—(Received January 27.)

My Lord, *Berlin, January 25, 1862.*

IN pursuance of the instructions contained in your Lordship's despatch of the 15th instant, I profited of my conversation with Count Bernstorff on the question of the Danish Duchies, as reported in my previous despatch of this day, to inquire from his Excellency whether he intended to reply to the last despatch of the 26th ultimo, which M. Hall had addressed to the Danish Minister at this Court for communication to the Prussian Government.

Count Bernstorff stated that it was most certainly his intention to reply to that despatch, but that previous to doing so he must necessarily refer to Vienna, and concert with the Imperial Cabinet as to the nature of the reply.

He should propose to ask for further explanations from the Danish Government, and to call upon them to state categorically whether or not they were prepared to recognize and fulfil the engagements which the King of Denmark had taken towards Germany in 1851 and 1852.

"They must," said Count Bernstorff, "give me a clear affirmative or negative; in the latter event we shall know what course to take."

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 167.

M. Hall to the Danish Minister at Stockholm.—(*Communicated to Earl Russell by M. de Bille, January* 28.)

M. le Comte, *Copenhague, le* 20 *Janvier*, 1862.

C'EST avec une vive satisfaction que nous venons de recevoir dans la circulaire ci-jointe en copie, adressée en date du 29 Décembre par son Excellence M. le Comte de Manderström aux Cours de Londres, de Paris, et de St. Pétersbourg, et que M. le Comte Hamilton m'a dernièrement communiquée, une nouvelle et précieuse preuve de l'intérêt que la Suède porte constamment à notre cause. Son Excellence le Ministre des Affaires Etrangères des Royaumes-Unis exprime son appréciation de la dépêche du Comte de Bernstorff en date du 5 Décembre et de la situation où elle place les négociations; et nous aimons à croire que, quant à ce point, il aura déjà vu combien nous avons été d'accord dans notre réponse au Cabinet de Berlin avec les vues énoncées dans la dite circulaire. Lorsque le Conseil Suprême se sera prochainement réuni, il se convaincra encore davantage que le Gouvernement du Roi compte tenir précisément la même ligne de conduite qu'il vient de nous recommander pour écarter tout sujet de collision avec l'Allemagne. Tant qu'il nous sera possible, nous n'entendrons pas en effet avoir recours aux Puissances qui, dans l'intérêt de l'équilibre Européen, se sont rendus garantes de l'indépendance et de l'intégrité de la Monarchie, bien convaincus d'ailleurs de gagner par cette abnégation un titre de plus au concours actif et sérieux de ces Puissances, dans le cas où, malgré tous nos efforts et toute notre bonne volonté, l'Allemagne voudrait procéder à une Exécution soi-disante Fédérale dans le Holstein, avec le seul but de nous forcer la main au profit de ses prétentions relativement à une partie de la Monarchie qui n'appartient point à la Confédération.

Et dans cette question du Slesvig aussi nous sommes bien heureux de constater la parfaite harmonie qui existe entre les vues du Cabinet de Stockholm et les nôtres; car, en effet, M. le Comte de Manderström reconnaît que dans le régime de ce pays il ne saurait être question de faire des concessions à l'Allemagne, ni à aucune autre Puissance étrangère, toutes les mesures qu'on jugerait utiles devant nécessairement être opérés *proprio motu* et seulement après que les rapports avec le Holstein auront été définitivement réglés. De notre côté, enfin, lorsque le Gouvernement Suédois, s'inspirant de son amicale confiance dans les intentions du Roi notre auguste Souverain, d'assurer autant que possible le bien-être de sujets dont les intérêts lui tiennent constamment au cœur, prévoit qu'après la solution de la difficulté du Holstein, Sa Majesté se trouvera amenée à accorder toutes les réformes qui paraîtraient utiles et équitables, il ne fait encore que rendre justice aux sentiments élevés et aux principes libéraux du Roi qui l'ont toujours porté à répandre sur tous les pays réunis sous son sceptre les bienfaits d'une liberté saine et féconde.

En priant votre Excellence de renouveler à M. le Comte de Manderström, lorsque vous lui communiquerez cette dépêche, l'expression des sentiments de reconnaissance que nous inspire cette dernière démarche du Gouvernement Suédois en notre faveur, j'ai,

(Signé) C. HALL.

(Translation.)

M. le Comte, *Copenhagen, January* 20, 1862.

IT is with a lively satisfaction that we have just received in the circular (copy of which is herewith inclosed), addressed on the 29th December by his Excellency Count Manderström to the Courts of London, Paris, and St. Petersburgh, and which Count Hamilton has lately communicated to me, a new and precious proof of the interest which Sweden continually evinces in our cause. His Excellency the Minister for Foreign Affairs of the United Kingdom expresses his appreciation of the despatch of Count Bernstorff, dated December 5, and of the position in which it places the negotiations; and we would

fain believe that, as to this point, he will already have seen how much our answer to the Cabinet of Berlin has been in accordance with the views expressed in the above Circular. After the approaching meeting of the Supreme Council, he will be still more convinced that the Government of the King intend to follow precisely the same line of conduct which he has just recommended to us, in order to avoid all subject of collision with Germany. As long as it is possible for us, we certainly do not intend to have recourse to the Powers who, in the interest of the equilibrium of Europe, have become guarantees of the independence and integrity of the Monarchy, being, besides, well convinced that we shall gain by this abnegation one more claim to the active and serious co-operation of these Powers, in case, notwithstanding all our efforts and all our good will, Germany should wish to proceed to a so-called Federal Execution in Holstein, with the sole object of forcing our hands in the interest of her pretensions with respect to a part of the Monarchy which does not belong to the Confederation.

And in this question of Schleswig we are also very happy to note the perfect harmony existing between the views of the Cabinet of Stockholm and our own; for, in effect, Count Manderström acknowledges that in the administration of this country there can be no question of making concessions to Germany nor to any other foreign Power, as all the measures which are considered useful must necessarily be carried out *proprio motu*, and only after the relations with Holstein have been definitively settled. On our side, finally, when the Swedish Government, being inspired by its friendly confidence in the intentions of the King our august Sovereign, to secure as much as possible the welfare of subjects whose interests he has constantly at heart, foresee that after the solution of the Holstein difficulty His Majesty will feel induced to grant all the reforms which may appear useful and equitable, they only render justice to the elevated sentiments and to the liberal principles of the King, which have always inclined him to disseminate over all the countries united under his sceptre the benefits of a sound and fruitful liberty.

I request your Excellency to renew to Count Manderström, when you communicate this despatch to him, the expression of the sentiments of gratitude with which this last step of the Swedish Government in our favour inspires us.

I have, &c.
(Signed) C. HALL.

No. 168.

Earl Russell to Mr. Paget.

Sir, *Foreign Office, January* 29, 1862.

IN reply to your despatch of the 8th instant on the subject of the Danish Duchies question, I have to inform you that I approve the language which you used to M. Hall relative to the expediency of liberal proposals being made by the Danish Government to the Schleswig Diet in regard to a change in the Electoral Law.

I am, &c.
(Signed) RUSSELL.

No. 169.

Mr. Paget to Earl Russell.—(*Received February* 1.)

My Lord, *Copenhagen, January* 22, 1862.

YOUR Lordship's despatch of the 15th instant reached me on the evening of the 19th by the extra-messenger Schmock, and I had yesterday an interview with M. Hall, and in compliance with your Lordship's instructions communicated to his Excellency your despatch to Her Majesty's Minister at Stockholm of the 15th instant.

When I had concluded reading, M. Hall observed that your Lordship had given the Danish Government a task which it was impossible to accomplish. His Excellency referred to the passage:—"Her Majesty's Government are of opinion that the King of Denmark should enable himself to show to Germany and to Europe that the promises of 1852 are scrupulously carried into execution." What, he inquired, would ever satisfy Germany on this subject? He was convinced, he said, that whatever the Danish Government might do to effect this object, Germany would still pretend that more remained to be done, and that the promises were still unfulfilled. To this I replied that it would probably be sufficient if the Danish Government could convince impartial people that their promises were accomplished. The most certain proof of this would be

the contentment of the population. His Excellency then recapitulated the promises which had been made. They were, he said, that Schleswig should not be incorporated; that its Provincial Diet should be maintained; that the electoral law of Denmark should not be introduced into the Duchy; and that the *nexus socialis* between the Ritterschaft of Holstein and Schleswig should be allowed to continue. Now he defied any one to assert that any one of these promises, which were the only ones mentioned in the correspondence between the Danish and Austrian and Prussian Cabinets in 1851 and 1852, had been broken.

I replied that he had omitted to enumerate the promise of equal rights to the German and Danish nationalities. No engagement of this kind, his Excellency said, appeared in the correspondence just alluded to. But it did, I replied, in the Royal Patent of January 28, 1852, which was the upshot of that correspondence, and which had been officially communicated by the Danish Minister for Foreign Affairs to the Prussian and Austrian Governments.

M. Hall contended that this Royal Patent was a notification from the King to his subjects, and could not be interpreted as an international act except as regarded Holstein and Lauenburg. This, he said, was in accordance with your Lordship's opinion expressed in a former despatch. I said your Lordship had refrained from stating the precise international value of the engagement taken with respect to Schleswig, but you had been explicit in the expression of your opinion that certain promises had been made, and that those promises the King of Denmark was bound to fulfil.

Every one, even the Danish Government themselves, were, I continued, impressed with the desirableness of adopting a more liberal system in Schleswig, and his Excellency had always assured me that this would be done as soon as the Holstein question was settled. In the opinion of Her Majesty's Government it was unnecessary to wait for this event.

M. Hall replied that everything could not be done at one and the same time. They had just got rid of the Rigsdag; the Rigsraad was to meet on the 25th; before long it might be necessary to summon again the Holstein States. Could, therefore, any one conscientiously advise the Danish Government to convoke at this moment the Diet of Schleswig? The Government, he could again assure me, was animated with the best intentions towards Schleswig, as I should probably have occasion to learn in a more formal shape within the next few days; but as to the time for carrying out their views, they must be permitted to exercise their own judgment.

M. Hall being extremely pressed for time, and his colleagues being assembled for a Council in the next room, I did not feel justified in pursuing the conversation any further. It would indeed have been useless to do so, for even if your Lordship's despatch is to be productive of any new decision on the part of the Danish Government, M. Hall would of course not be in a condition to announce it to me until he had consulted the Cabinet. I believe that no despatch was ever more calculated, from its tone of impartiality and force of argument, to make this Government reflect on the danger of procrastination in dealing with a question with which they will infallibly have to deal if they wish to get out of their difficulties, and it could not have arrived at a more opportune moment.

By his Excellency's closing observation, I am led to the conclusion that some allusion to intended changes in Schleswig will be made in the King's Speech on opening the Rigsraad, and this impression is confirmed by information which has reached me from another quarter.

I have, &c.
(Signed) A. PAGET.

No. 170.

Mr. Paget to Earl Russell.—(*Received February* 1.)

My Lord, *Copenhagen, January* 25, 1862.

I HAVE the honour to inclose a translation, forwarded to me from the Danish Ministry for Foreign Affairs, of the speech read by the President of the Council by order of the King on the opening of the Rigsraad this day.

Your Lordship will not fail to observe the paragraph in which the intention to grant greater freedom to Schleswig, "especially a more popular foundation to its provincial institutions," is announced. "This," it is said, "can be accomplished without danger to the peace and unity of the country when the settlement of our differences with the German Confederation secures Schleswig against foreign intervention."

I do not know whether this is to be understood as meaning that until the time specified the promised advantages are to be withheld. I shall no doubt be able before long to give your Lordship information on this point.

It would probably have been better, as regards the effect to be produced in Germany, if the phrase "especially a more popular foundation to its provincial institutions" had been omitted, as it is calculated, I fear to produce the impression that it is intended to introduce the Danish Electoral Law into Schleswig; and this, as your Lordship is aware, the Danish Government engaged themselves in the correspondence of 1851-52 not to do.

The Rigsraad will only vote that share of the Budget for the general expenses which has to be paid by Denmark and Schleswig. The share of Holstein, it is therefore to be presumed, will have to be voted by the Holstein States; and other laws common to the whole Monarchy will require the sanction of the two above-named Assemblies in order to have a general application.

This would appear to be a substantial compliance with the demands of the Confederation.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 170.

Speech of the King of Denmark on the Opening of the Rigsraad, January 25, 1862.

(Traduction.)

LORSQUE, pendant la dernière session, nous avons fait savoir au Conseil Suprême que nous venions, conformément à des décisions Fédérales auxquelles nous ne pouvions utilement résister, d'abolir pour la part des Duchés de Holstein et de Lauenbourg la Loi Fondamentale du 2 Octobre, 1855, nous avons exprimé l'espoir que nos efforts constants réussiraient à renouer le lien qui venait d'être brisé.

Cet espoir ne s'est pas réalisé. Il a échoué contre la résistance de l'Assemblée des Etats du Holstein, qui a pu s'appuyer sur des décisions de la Diéte Fédérale Germanique, réclamant pour les parties de la Monarchie appartenant à la Confédération une autonomie et une égalité outres que celles qui leur étaient assurées par leurs constitutions particulières et leur participation sur le pied d'égalité à la législation commune.

Le nouvel arrangement des relations constitutionnelles des Duchés de Holstein et de Lauenbourg, devenu nécessaire ainsi, est aujourd'hui l'objet de négociations qui seront portées à la connaissance du Conseil Suprême. L'intérêt que la conservation d'un Etat Danois indépendant inspire aux Puissances amies fortifie notre espoir qu'une solution satisfaisante pourra être amenée.

Nous avons la volonté de donner à notre Duché de Slesvig un développement plus libre, et particulièrement une base plus populaire à ses institutions provinciales. Ce ne sera là que la mise en œuvre des principes que nous avons maintenu pendant tout notre règne. Il ne sortira de là aucun danger pour le repos et la cohésion de l'Etat lorsque la conclusion de notre conflit avec la Confédération Germanique aura laissé le Slesvig à l'abri de l'immixtion étrangère.

Toutefois ces complications ne devront plus arrêter les améliorations réclamées par le bien commun dans la Constitution commune elle-même, et dans les lois qui appartiennent à son ressort.

Les projets de loi relatifs à ce point seront soumis aux délibérations scrupuleuses du Conseil Suprême, non obstant que quelques-uns d'entre eux, en tant qu'ils seront applicables aux parties de la Monarchie non soumises à l'autorité législative du Conseil, exigent en définitive le concours de celles-ci.

Ce cas se présentera particulièrement pour la réforme du Tarif de Douane réclamée par les intérêts matériels du pays.

La force des choses a amené la nécessité de nous prévaloir de la faculté qui nous est reconnue par la Section 54 de la Loi Fondamentale, de décréter en cas d'urgence des dépenses extraordinaires. Ces décrets seront présentés au Conseil Suprême.

Les crédits que le Conseil Suprême votera pour l'exercice financier prochain devront être supportés exclusivement par les parties de la Monarchie qu'il représente. Dans les cas exceptionnels où la validité du crédit demandé dépendra d'une quotepart à fournir par le Duché de Holstein, cette circonstance se trouvera indiquée par la forme même du projet.

Nous attendons les travaux du Conseil Suprême avec la confiance qu'il assistera son Roi à soutenir l'honneur et l'indépendance de l'Etat, et à développer la liberté et la prospérité du peuple.

No. 171.

Lord A. Loftus to Earl Russell.—(Received February 3.)

(Extract.) *Berlin, February 1, 1862.*

I HAVE the honour to forward to your Lordship herewith a translation, by Mr. Jocelyn, of an article which has appeared in this morning's "National Zeitung" (the organ of the Liberal Constitutional Party), in which the same arguments as those used to me by Count Bernstorff, and reported in my despatch of the 25th ultimo, are brought forward with reference to the difficulties of an understanding between Denmark and Germany, so long as the Danish Reichsrath is maintained in its present form of extension to the Duchy of Schleswig.

This article asserts that the changes lately introduced by Denmark into the Constitution tend to a definitive common representation of Denmark-Schleswig, and that the formation of such a Parliament for (what is herein termed) the Eider State was equivalent to an incorporation of Schleswig, with the difference that the Schleswigers would no longer participate in the civil liberties which had been granted to them in 1849.

It then proceeds to state that the present acts of the Danish Government are entirely opposed to the engagements taken in 1852, and it asserts that Germany will now be fully authorised to demand a restoration of the former union which previously existed between the Duchies of Schleswig and Holstein.

Your Lordship will observe that this article completely coincides with the language held to me by Count Bernstorff, and I may add that in conversation with me last evening on this subject his Excellency expressed a strong disapproval of the measures of reform notified by the Danish Government. He observed that the whole spirit of the Danish Government was to establish the "Eider" as the frontier between Holstein and Denmark, and to incorporate Schleswig.

He observed that it was not just to accuse Germany of a wish to dismember Denmark, but that he could prove that the present policy of the Danish Government tended in this direction far more than the policy of Germany. So little was Prussia desirous of dismembering the Danish Monarchy that she was opposed to the separation of Holstein from the other parts of the Monarchy. All that she required was that the four parts of the Monarchy, namely, the Kingdom, properly so called, the Duchies of Schleswig, Holstein, and Lauenburg should be on a footing of perfect equality.

It was, he said, the duty and right of Germany to insist that the engagements taken by Denmark in the foregoing sense should be strictly fulfilled. More than that Germany did not require: less than that she could not accept. Germany had every desire, and indeed it was for her interest, to be on the best footing with Denmark. He repudiated any designs of conquest on the part either of Prussia or of Germany, and he observed to me that he was at a loss to understand how the clear and indisputable rights of Germany should be so perverted and misinterpreted.

The misfortune is, said Count Bernstorff, that the Danish Government employ all means to produce unfavourable impressions towards Germany, while the counter-statements of Germany are either not received, or viewed with distrust. The Danish Government feel themselves supported by the Great Powers, and so long as they hope to be sustained by them in their demands, there will be no chance of any direct arrangement being come to between Denmark and Germany. If, on the other hand, the European Powers were to refrain from interfering and backing up Denmark, a final understanding of these differences would be greatly facilitated.

I replied to his Excellency that so long as the German Powers confined their demands to Holstein, the question was regarded by Europe as one of a purely German character, but since his Excellency's accession to office the whole question had assumed another colour, and that the basis of the negotiations had been completely changed. I said that the despatch your Lordship had addressed to Her Majesty's Minister at Stockholm, which I had communicated to him, was a proof of the impartiality with which your Lordship viewed the question, and of your Lordship's earnest desire for its adjustment on fair and reasonable grounds. I thought his reproaches against the Great Powers, therefore, unmerited and unjust.

I added that Austria was moderate, and that your Lordship's despatch had been approved by Count Rechberg.

Count Bernstorff said that if I referred back to the despatches which had passed between Denmark and Prussia I should find that the present view taken by Prussia of the Reichsrath had always been put forth. With respect to Austria, he observed that

he had seen the despatches addressed to and by Baron Brenner; that they were completely in unison with the views of Prussia, and he therefore could not believe that Count Rechberg entertained opinions different from his.

I know not how far my arguments and reasonings with Count Bernstorff may have effect in inducing moderation or preventing any precipitate action, but I must confess to your Lordship that his Excellency holds with great pertinacity and consistency to the opinions he has expressed to me on various occasions on this question. Although I do not fear any immediate rupture of the present negotiations, still I see no present hopes that they may lead to an amicable understanding between the contending parties.

No. 172.

Mr. Howard to Earl Russell.—(Received February 3.)

My Lord, *Hanover, January 30, 1862.*

IN a conversation which I had with Count Platen yesterday I called his attention to the fact that the King of Denmark, in his Message on the occasion of the opening of the session of the Rigsraad on the 25th instannt, had promised to give a freer development to the Provincial Institutions of the Duchy of Schleswig as soon as the pending differences with the German Diet should have been brought to a close, and I expressed a the hope that Germany would rest satisfied with this promise.

Count Platen replied that the time was gone by when the assurances of the Danish Government inspired any confidence in Germany, and he much regretted that they had not followed the advice which he understood Her Majesty's Minister at Copenhagen had given them to promulgate at once, and *proprio motu*, the concessions which they profess eventually to intend making to Schleswig.

His Excellency repeated on this occasion a remark which he had already frequently made to me, that nothing in his opinion would be more conducive to the settlement of the Holstein question than the adoption of such a course by the Danish Government, supposing always their contemplated measures in regard to Schleswig to be in harmony with their former promises.

I have, &c.
(Signed) HENRY F. HOWARD.

No. 173.

Mr. Jerningham to Earl Russell.—(Received February 6.)

(Extract.) *Stockholm, January 27, 1862.*

I HAD the honour to receive, late on the 23rd instant, your Lordship's despatch of the 15th instant, relative to the affairs of Holstein and Schleswig, and I lost no time, agreeably to your Lordship's instructions, in placing a copy of it in the hands of Count Manderström.

His Excellency informed me to-day that he had already addressed Count Wachtmeister briefly on the subject, and he further observed, in substance, that he was far from wishing to enter upon any controversial discussion with your Lordship on Danish affairs; that after all, the divergence between the two Governments was inconsiderable; that the fault still seemed to him rather on the German than the Danish side; that, nevertheless, he believed with your Lordship that the Danish Government had better, if possible, begin with settling the affairs of Schleswig, though the temper of the Danish people rendered it difficult to make concessions to Germany before a definitive settlement of Holstein; and that he intended recommending the Danish Government, as strongly as possible, to take the Schleswig question immediately in hand, and to lose no time in stating candidly and clearly what measures they proposed adopting, with a view to satisfy the German population of that Duchy.

No. 174.

Mr. Ward to Earl Russell.—(Received February 6.)

My Lord, *Hamburgh, January 31, 1862.*

I HAVE the honour to transmit to your Lordship, herewith, a Memorandum on the origin and progress of the Schleswig-Holstein question, which, although a mere recapitulation of facts, may possibly be useful to your Lordship's office for the purpose of reference.

I have, &c.
(Signed) J. WARD.

Inclosure in No. 174.

Memorandum on the Origin and Progress of the Schleswig-Holstein Question.

THE question between the Germanic body and Denmark is that of the Constitutional position which not only the Duchies of Holstein and Lauenburg, but also the Duchy of Schleswig, is entitled to hold within the Danish Monarchy; and the difficulty is how to preserve the Danish State in its integrity, and at the same time to secure the Duchies their just share of national independence within that State. So much has been said and written about the question for many years past, that its leading points may easily be forgotten in the mass of transactions and documents to which it has given rise, and this paper is therefore intended to serve to refresh the memory of the reader by a concise recapitulation of the course of the proceedings, and of the demands made by Germany on behalf of the Duchies, a compliance with which by the Danish Government might long since have obviated the necessity of an Execution, or other forcible measures, being resorted to by the German States.

After the separation of Norway from Denmark, and the acquirement of Lauenburg by the latter in 1816, the Danish Monarchy consisted (exclusively of its foreign possessions) of three parts having distinct sets of laws, viz., the Kingdom of Denmark Proper, the United Duchies of Schleswig and Holstein, and the Duchy of Lauenburg. In Denmark the fundamental law was the Lex Regia of November 14, 1665, under which the King was despotic; in Schleswig-Holstein it was the Charter of Christian I as their elected Duke, dated Wednesday after *Invocavit* Sunday 1460, which confirmed the Union of the Duchies and the rights and privileges of the inhabitants; in Lauenburg there was a Constitution by States dated September 15, 1702.

The union between these different parts of the Monarchy was a personal one only, except that, as between Schleswig and Holstein, it was a real union formally acknowledged by Christian I, their elected Lord.

The introduction of a Constitution by Provincial States, with curial representation, into all parts of the Monarchy in 1834, modified the powers of the King-Duke, but altered nothing in the relations of those several parts of the Monarchy towards each other.

The first impulse to agitation in the Duchies was given by the Patent of the late King, Christian VIII, issued July 8, 1846, which announced the Royal intention to unite Denmark, Schleswig, Holstein, and Lauenburg into one State, with a common Constitution, and a common succession to the Throne.

The States of Holstein complained to the Federal Diet against the Patent, and Christian VIII, being called upon to answer, declared that Schleswig and Holstein were entitled to a joint legislature and administration, that he did not intend to interfere with the independence of Holstein, and would respect the rights of the "Agnati" to the succession; whereupon the Federal Diet resolved, September 17, 1846, that the King-Duke must respect the rights of the States and of the "Agnati," and reserved its competence for future decisions.

The present King, Frederick VII, on his accession recognized the rights of Schleswig and Holstein, in a Proclamation dated January 28, 1848; but on March 21, 1848, an insurrection of a democratic character broke out in Copenhagen, whose objects were the abolition of the Constitution by States then in force in Denmark as well as in Schleswig-Holstein, to separate Schleswig from Holstein, and to incorporate the former with the Kingdom of Denmark.

Against these revolutionary objects began the movement in the Duchies, which was purely defensive of their rights, and was approved in principle by the King of Prussia. The Schleswig-Holstein cause was, in fact, the maintenance of the 400 years' union between the

two Duchies under the King-Duke, and their independence of the rule of the kingdom of Denmark Proper.

Out of these movements arose the war between Germany and Denmark, of which the second campaign ended with the armistice signed at Berlin, July 10, 1849. During this armistice the Duchies were governed by the Mixed Commission, composed of a Danish, a Prussian, and an English Commissioner. The peace was definitively concluded at Berlin, under the influence and with the aid of Russia, July 2, 1850, and its conditions were:—

Article 1. Peace, pure and simple.

Art. 2. Former Treaties revived.

Art. 3. Mutual rights reserved.

Art. 4. The King of Denmark to invoke the aid of the Confederation to restore order in Holstein.

Art. 5. The boundaries between the Danish and Federal territories to be fixed by a Mixed Commission.

Secret Article. Prussia to be a party to the negotiations for settling the succession to the Throne.

This Treaty of Peace, as signed by Austria and Prussia, was subsequently ratified by all the German States, separately, and also by the reconstituted Federal Diet, at Frankfort, October 3, 1850. It was an unsatisfactory arrangement, because it did not, in fact, settle any one of the questions which gave rise to the war.

Previous to the ratification of the peace, the hostilities between Denmark and the Duchies had been renewed, and the former had gained the advantage at the battle of Idstedt, fought July 25, 1850.

After that battle Schleswig was occupied by the Danes, but Holstein remained in possession of the Schleswig-Holstein army, and was governed by a Lieutenancy ("Statthalterschaft") who acted as the representatives of the inhabitants and as the guardians of the national cause.

At the Conference of Olmütz, November 29, 1850, which averted the danger of the then threatened war between Austria and Prussia, the former is understood to have obtained a promise from Prussia to unite with her in coercive measures to restore order in Schleswig and Holstein. Accordingly Prussia concurred with Austria in pressing Holstein to an arrangement, and on the 18th February, 1852, the Lieutenancy surrendered its authority into the hands of the King-Duke, the German Powers engaging not only to preserve the rights of Holstein, but also to maintain the ancient connection between that Duchy and Schleswig.

Meanwhile Russia had been working for the establishment of a common succession to the Danish Throne, with a common or corporate Constitution for the entire Monarchy, and her views, at least in the matter of succession, were participated by England and France.

A Protocol for the regulation of the succession was signed by the Great Powers in London, August 2, 1850, and another Protocol was signed by Russia and Denmark at Warsaw, June 5, 1851, which after admitting the eventual claim of Russia to the Ducal-Gottorp part of Holstein (a claim which had ceased to have any valid existence, having been renounced in favour of the Royal line in 1773), gave Russia the eventual succession to the whole of Holstein, in case of the failure of the descendants of the designated heir, Prince Christian of Holstein-Glücksburg, and so opened a door to the possible acquirement by Russia of the entire Monarchy at a future day.

These Protocols were confirmed by the Treaty of London of May 8, 1852, to which all the Great Powers, including Prussia (who assented reluctantly), were parties, and the new law of succession was published by the King of Denmark, July 31, 1853, abolishing the Lex Regia in force within the kingdom, and vesting the succession to the whole Monarchy in Prince Christian and his heirs, to the exclusion of the House of Holstein-Augustenburg and of all the "Agnati" having presumptive rights.

The legal validity of the new law of succession is disputable for want of the consent of the "Agnati" and of the States of the Duchies, who were not consulted upon it. The consent of the Danish Diet ("Reichstag") to it was, however, asked and obtained.

Passing over here all questions relative to the succession, and assuming it to be a *fait accompli*, I revert to the conditions of the Peace. Negotiations were entered into with Denmark for fixing the relations of the Duchies to the joint or corporate State ("Gesammt Staat") intended to be formed.

In accordance with Article IV of the Treaty of Berlin, the King-Duke communicated to the German Powers his views for the pacification of Holstein, as explained in his Manifesto to the Duchy, dated July 1850. The royal programme was—

1. An amnesty.

2. In Schleswig equal guarantees for both nationalities, and no incorporation with Denmark.

3. An Assembly of notables, or leading men, of the Duchies, for the ascertainment of their wishes.

These met, but the proceedings led to no result.

The boundaries between Schleswig and Holstein, stipulated by Article VI of the Treaty to be fixed by a Commission, have never yet been determined, and still continue to be a matter of dispute. Denmark has, in the meantime, by an act of violence, incorporated into Schleswig a part of the Holstein territory adjoining the fortress of Rendsburg.

On June 11, 1851, the Germanic Confederation committed to Austria and Prussia the conduct of the preliminary negotiations for the settlement of the Holstein question on the basis of the *status quo ante bellum*. The King of Denmark's position in regard to the Duchies had become more difficult in consequence of the ascendancy gained by the Danish democracy under the new Constitution of the kingdom dated June 5, 1849, the democratic party being more and more enraged and bitter against the Germans in both Schleswig and Holstein. The King, nevertheless, declared to Austria and Prussia, August 26, 1851, that he would rule Holstein according to its existing laws, and would make no alterations in those laws otherwise than in a constitutional way.

The Declaration, however, of August 26th was not found sufficient by the German Powers, and the Danish Government being desirous of getting back its lost power in Holstein, it made a further Declaration (December 6, 1851) to the effect that it would establish the desired organic union of the different parts of the monarchy in a legal and constitutional way, through the Consultative Provincial States of Schleswig and Holstein, the Danish Diet, and the landed proprietors of Lauenburg respectively; also that the Duchy of Schleswig should not be incorporated with the kingdom. This latter Declaration was accepted as satisfactory by Austria and Prussia respectively, December 26 and 30, 1851, and in accordance therewith was issued the Royal Proclamation of January 28, 1852, communicated on the 29th to the Courts of Vienna and Berlin, the non-fulfilment of the promises contained in which Proclamation has ever since been complained of by the inhabitants of the Duchies. In consequence, the Federal troops were withdrawn from Holstein, and the Government of the Duchy was on February 18, 1852, restored to the King of Denmark by the Commissioners of the Confederation. On July 29, 1852, the Federal Diet passed a Resolution recognizing the arrangement thus effected upon the basis of the promises made by Denmark, January 28, 1852, and revoking the powers committed to Austria and Prussia on the occasion.

By means of the agreement thus arrived at between the Germanic Confederation and Denmark, an extension was given to the terms of the Peace of July 2, 1850, which extension, though not reduced to the form of a Treaty, appears equally binding by international law upon the parties concerned. The conditions of peace, as expressed in the several documents above cited, were in substance these:—

1. The ancient administration and legal union between Schleswig and Holstein was abolished, except as to certain institutions, such as the canal, prison, university, &c., &c., particularly reserved.

2. Schleswig was never to be incorporated with Denmark, and the Danish and German nationalities in that Duchy were to be equally protected.

3. The three Duchies of Schleswig, Holstein, and Lauenburg were to be united with Denmark, by a common succession to the throne and a joint or corporate Constitution ("Gesammt-Verfassung"), into one joint or corporate State ("Gessammt-Staat"), but in such a way that each of the four lands should enjoy equal rights and equal independence; that each should retain its own constitution, and none be made subordinate to the other.

4. The union of the four parts into one whole was to be effected in a constitutional way, after consultation with the Provincial States of Schleswig and Holstein, the landed proprietors in Lauenburg and the Danish Diet.

5. For each of the Duchies of Schleswig and Holstein there was to be a separate Minister for the internal affairs (including the domains) of those Duchies respectively.

6. The Council of State, Army and Fleet, Finances and Foreign Affairs, were to be common to the Duchies and to the Kingdom. The Ministers for common affairs should, in Denmark, be responsible to the King and Imperial Council; in the Duchies, to the King alone.

7. The States of Schleswig and Holstein were to be allowed the power of resolving, in all affairs in which they might be concerned.

8. The Constitution of the Kingdom of Denmark was to remain unaltered.

Such were, in fact, the conditions on which the peace was concluded and Holstein evacuated by the Federal troops.

I proceed to notice the formal steps which the Germanic Diet has since been under the necessity of taking, in order to obtain the fulfilment of those conditions.

The Danish Government had solemnly promised never to incorporate Schleswig with the kingdom. But the course of policy which it systematically adopted in regard to that Duchy has been such as to inspire a general belief that the eventual incorporation of the Duchy has been all along, and still is, the real object in view.

In respect of the Administration, the Courts of Justice, the Churches and Schools, it is notorious that the Danish nationality has been preferred to the German, and that acts of the most glaring partiality and injustice, too numerous to recapitulate here, have been for years past perpetrated by the Government. The constant endeavour has been to *danize* the Duchy; to extirpate, by fair means or foul, the Germanic nationality. Even the agreement to settle by a Mixed Commission the boundaries between Schleswig and Holstein has not been kept, for on March 16, 1853, the Government forcibly separated from Holstein a tract of country near Rendsburg, comprising six villages, and annexed it to the Duchy of Schleswig; and it afterwards razed a portion of the fortifications of the Castle of Rendsburg, in Holstein, and likewise annexed to Schleswig the ground so obtained. All this was done without the consent of the German Powers, and whilst the negotiations with the Federal Diet for the settlement of the boundaries were still pending.

The Danish Government soon proceeded to the work of framing new Constitutions. A new Provincial Constitution for Schleswig dated February 15, 1854, and another for Holstein dated June 11, 1854, were issued for those Duchies, after having been submitted to the States respectively, except those paragraphs relating to the Joint Constitution of the Monarchy, and in utter disregard of the wishes and opinions expressed by the States.

A new Constitution for Lauenburg was also issued for that Duchy, December 20, 1853, contrary to the wishes of the landed proprietors of that Duchy.

A new Joint Constitution for the Monarchy was issued July 26, 1854, but it satisfied nobody, and was never put in force.

Then came the Joint Constitution for the Monarchy of October 2, 1855 (still in operation in Denmark and Schleswig), which was "octroyé" as a mere act of power by the Crown, without asking the consent of the States of the Duchies, although the assent to it of the Diet of Denmark Proper was asked and obtained.

The legality of this Constitution has always been disputed by the Duchies, but when the German Deputies made a motion in the Imperial Council to refer the Joint Constitution to the States, they were overwhelmed by the Danish majority, and the motion was rejected.

A correspondence in reference to the Joint Constitution now ensued between Austria and Prussia on the one side, and Denmark on the other, which went on from June 1, 1856, to July 6, 1857, but led to no result. On August 15, 1857, the Holstein States were assembled, and a revised Special Constitution for that Duchy was submitted to them, and rejected almost unanimously, because it did not fix the political position of the Duchy in regard to the Monarchy. The Assembly was therefore dissolved September 12, without a result; and the necessity of the interference of the Federal Diet became apparent.

The States of Lauenburg were likewise dissatisfied with the Corporate Constitution of October 2, 1855, and petitioned the Federal Diet against it in October 1857.

On the 29th of October, 1857, the Federal Diet, at the instance of Austria and Prussia, formally took up the question of the position of the German Duchies of Holstein and Lauenburg; and on February 11, 1858, the Diet passed a Resolution to the following effect:—

1. That with reference to Article LVI of the Vienna Final Act,* the Special Constitution for Holstein of June 11, 1854, and the Ordinance for Holstein of June 23, 1854, as well as the Joint Constitution of October 2, 1855, in so far as it applied to Holstein and Lauenburg, were invalid.

2. That the assurances given by Denmark in 1851 and 1852, in respect of altering the Constitutions of the Duchies, and in respect of their equal rights and independent position in the entire Monarchy, had been disregarded.

3. That the Constitution of October 2, 1855, was inconsistent with the principles of the Germanic Confederation.

The Federal Diet required the King-Duke—

1. To introduce into Holstein and Lauenburg a status conformable with the principles of the Confederation, and the assurances given, securing to them independence and equal rights.

* Art. LVI. Alteration of existing Constitutions. Such Constitutions by States ("landständliche Verfassungen") as are in acknowledged action can only be again altered in a constitutional way.

2. To notify to the Diet such measures as he might adopt with that view.

A further Resolution was passed by the Federal Diet, February 25, 1858, requiring the King-Duke to abstain from taking any measures in Holstein and Lauenburg contrary to the Resolution of February 11, and from issuing any more unconstitutional laws.

These Resolutions (which do not extend to Schleswig) are decisive upon the point that the Special Constitution for Holstein, and the Joint Constitution for the Monarchy, in so far as it related to Holstein and Lauenburg, have always been illegal and void.

The Notification made by Denmark in answer to the last-mentioned Resolutions did not satisfy the Federal Diet, and on May 20, 1858, that body was resolved:—

1. To require the King Duke to say how he proposed to order the relations of Holstein and Lauenburg according to the Resolution of February 11th preceding, reserving to itself (the Diet) to decide thereon.

2. That in regard to the carrying out of the Resolution of February 25th preceding, it declared that it did not recognize the Danish interpretation of that Resolution, and in case of the infringement of that Resolution, reserved its further decision.

The answer to this, made by Denmark, July 15, 1858, was again insufficient, and the Federal Diet resolved, August 12, 1858:—

1. To declare to the King-Duke that his answer was neither satisfactory nor a fulfilment of his Federal obligations.

2. To require the King-Duke (according to the Execution-Ordinance, Article 3), to declare within three weeks, whether with the Constitution of October 2, 1855, the Royal Notifications of October 16, 1855, erecting a Corporate Ministry of the Interior, and of June 23, 1856, determining what were the special affairs of Holstein, as well as sections 1 to 6 of the Holstein Constitution of June 11, 1856, also ceased to be in force for Holstein and Lauenburg; and to make to the Diet such communications as should be conformable to the Resolution of May 20, 1858, and should secure the carrying out of the Resolutions of February 11 and 25, 1858.

3. To empower the United Committees of the Diet to receive the Danish communications.

Denmark answered these Resolutions on the 9th September following, to the effect that it would make confidential communications to the United Committees, which it did on the 13th and 20th September, and the communications were again found unsatisfactory. Thus the Federal Resolution of February 11, 1858, not being complied with, the Diet became entitled to proceed to Execution in accordance with Articles 3, 4, and 5 of the Execution Ordinance.

Thus matters stood in September 1858. The demands of the Federal Diet did not extend to Schleswig. But the rights of that Duchy were founded upon the Agreements entered into in 1851 and 1852. By these Agreements, Denmark had engaged that the Constitution of Schleswig should only be altered in a constitutional way, and the Corporate Constitution for the Monarchy introduced into it in that way only; that the Duchy should have its independence and equal rights with the rest of the Monarchy, and should never be incorporated with the Kingdom of Denmark: consequently the Corporate Constitution of October 2, 1855, and the special Constitution of February 15, 1854, were invalid in Schleswig, and the course pursued in that Duchy towards the German inhabitants by the Danish Government since 1852 was unjustifiable.

In October 1858 the present King of Prussia assumed the Government as Regent, and there being a good understanding between Prussia and Austria on the claims of the Duchies, there was every appearance of those claims being pursued energetically, and that means would be adopted to overcome the continued refusal of the Danish Government to fulfil its engagements. That Government now took the decided step of severing the Constitutional connection between the Duchy of Holstein and the rest of the Monarchy, and on November 6, 1858, several Royal Patents appeared declaring the Corporate Constitution of October 2, 1855, to be abolished for Holstein and Lauenburg (with the reservation of such steps as might be taken for their future reunion); also declaring sections 1 to 6 of the Holstein Constitution of June 11, 1854, and the Notification of June 23, 1856, to be abolished, and summoning the States of Holstein to meet in January 1859 for the purpose of considering and expressing their wishes upon new Constitutional propcsals to be made to them by the Government.

A provisional status, independent of Denmark, was thus introduced into Holstein and Lauenburg which has since continued. Whatever the motive of the Government may have been, the change was hailed with applause by the Eider-Danish party, who regarded it as the precursor of the incorporation of Schleswig with the Kingdom of Denmark, for which they were very willing to pay, as a price, the liberation of Holstein and Lauenburg, from the thraldom of the Imperial Council and Danish Legislation.

The States of Holstein met at Itzehoe, as summoned, in January 1859, but referred their assent to the Government proposals. They sent in to the King-Duke, March 11, 1859, counter-propositions of their own, which were rejected, and so the session produced no result.

The King of Denmark issued a Patent, September 23, 1859 (published by the Finance Minister, September 25), determining the share to be paid by Holstein of the common expenses of the Monarchy in addition to the amount fixed by the Normal Budget of February 28, 1856. On July 3, 1860, the State-Budget for 1860-61, based on this Patent, was officially published and put in force.

In the meanwhile, viz., March 8, 1860, the Federal Diet had come to the following Resolutions, under protest by Denmark, viz. :—

I. (*a.*) That in the measures of the Danish Government, and the proposals made by it to the Holstein States, as well as in the rejection of the proposals of those States, the Diet missed the fulfilment of the obligations of Denmark under the Federal Resolution of February 11, 1858.

(*b.*) That, in consideration of the Danish Declaration of November 2, 1859, the Diet would abstain from executory measures in furtherance of the Resolution of August 12, 1858.

(*c.*) But only on condition that until the establishment of a definitive Constitution, according to the promises made in 1851 and 1852,—

1. The Patent of January 28, 1852, should alone be the rule for determining what were general, and what were special affairs;

2. To secure the equal rights of the German Duchies, all laws which went before the Imperial Council (Reichsrath) must also go before the States of Holstein and Lauenburg, and no laws should be issued for common affairs or finances without the consent of the States.

II. To consent to the Danish proposal of a Conference of Delegates, provided the Agreements of 1851 and 1852 should be respected, and no delay should take place.

III. That the united Committees should report further to the Diet.

On July 26, 1860, a motion was made in the Federal Diet, by Oldenburg, to the effect that, in consequence of the breach by Denmark of the condition imposed on her by the Resolution of March 8, above cited, the Diet should proceed to execution in pursuance of the Resolutions of February 11 and August 12, 1858. The Diet resolved accordingly, February 7, 1861; thereby deciding that the Royal Patent of September 23, 1859, and the Financial Law published July 3, 1860, were illegal and void for want of the consent of the Holstein States.

In this state of things, the King-Duke thought fit once more to summon the States of Holstein, who met at Itzehoe, March 6, 1861, and sat for some weeks.

The Government proposed to the Assembly certain alterations of the representative system of the Monarchy, together with two projects of laws for fixing the provisional state of Holstein in regard to the common affairs of the Monarchy, and for a new special Constitution for that Duchy.

The 13th section of the former of these projects went to declare that the provisions of the Royal Patent of September 23, 1859, should be taken as the rule for the financial Estimates for the period of one year, from April 1, 1861, and the Danish Government pretended that the submission of this 13th section to the States was tantamount to submitting to them the financial budget of the Monarchy for the year. The States, however, resolved that no financial budget had been laid before them, and complained bitterly of the perfidy (as they termed it) of the Danish Ministers in assuring foreign Powers that they had actually submitted a budget to the Assembly, whilst it had never had the slightest intention of asking the assent of the States, yes or no, to the financial Estimates of the Monarchy for the year, in the manner required by the Resolutions of the Germanic Diet, which had declared the States of Holstein entitled to exercise the same control over the finances of the Monarchy as the Imperial Council (Reichsrath), acting for Denmark and Schleswig, had actually done. The Assembly of the Holstein States was therefore dissolved in the month of April, after having rejected all the propositions of the Government, and leaving all the questions in dispute regarding Holstein as unsettled as ever. The States, before separating made a communication of the circumstances, and of their continued grievances, to the Federal Diet.

During the last summer a negotiation took place between the German Powers and Denmark, through the mediation of Great Britain, with the object of staying the threatened Execution, upon the condition of Denmark renouncing for the current financial year the additional payments demanded from Holstein out of its special revenues beyond the quota of Holstein fixed by the normal Budget of February 28, 1856. This negotiation was so

far successful, that on August 12, 1861, the United Committees of the Diet recommended a suspension of the executory proceedings under the Resolution of February 7, 1861, and it appeared as if by a temporary sacrifice of a moderate sum of money the Danish Government was willing to do something to conciliate the irritated feelings of the Holsteiners, and at all events gain time for the amicable arrangement of the financial part of its differences with the Germanic body. But this prospect has since vanished, and the correspondence between Prussia and Denmark shows that the proposition understood to have been accepted by Denmark has not been carried out by that Power in the sense expected, and, therefore, that the executory proceedings are likely to be revived by the Federal Diet.

The more recent despatches which have passed between Berlin and Copenhagen during the last months of 1861 are before the public, and need not be here recited. They explain, unfortunately, how wide are the differences still subsisting between Denmark and the German Powers, and how little prospect there is of the King-Duke either complying with the injunctions of the Diet regarding Holstein, or fulfilling the conditions of the Peace in respect of Schleswig. Prussia insists upon the realization of the promises touching Schleswig which induced the German Powers to terminate the war, and she regards the King-Duke's Proclamation of January 28, 1852, to be legally as well as morally a part of those promises, so as to entitle the German Powers to make a *casus belli* of the non-fulfilment. The Speech of the King of Prussia to his Diet on the opening of the Session, January 14, 1862, has announced that Austria and Prussia are in negotiation with Denmark in order to find a provisional basis for an understanding between the Germanic Confederation and Denmark, on the question of the Duchies, that Prussia held fast to the law of the Confederation as well as to international engagements, and that she was entirely agreed with Austria and the other Federal States upon the whole question.

To the above narrative I take the liberty of adding two observations only, viz.:—

1. The differences between the King-Duke and the States of Holstein in regard to the constitution and finances of the Duchy belong exclusively to the forum of the Germanic Federal Diet, to which all such questions are reserved by the Germanic Constitution. The Federal Diet is likewise the sole interpreter of the Federal Acts and of their application (Final Act, Article XVII, and Federal Law, June 28, 1832); consequently, as regards Holstein, Denmark is not entitled to dispute the decision of the Federal body, nor has any foreign Power a right to interfere with such decision.

2nd. With respect to the Duchy of Schleswig, which is not Federal territory, if the King-Duke has violated the conditions of the Peace of 1850, and his supplementary engagements to the German Powers of 1851 and 1852, the Germanic body may have a good *casus belli* against Denmark internationally, as one foreign State against another. The grievances of the inhabitants of Schleswig are notorious, and it would be most desirable, in the interests of humanity alone, to put an end to them. But, here, difficulties arise in the interpretation of the Danish engagements, for the solution of which there is no competent tribunal, or authority, like the Federal Diet in respect of Holstein. There are ambiguities of expression in the Danish engagements, such as in the words "Gesammt-Staat," "Selbständigkeit," "Gleichberechtigkeit," &c. (Corporate State, condition of independence, condition of equal rights, &c.), which will never be cleared up to the satisfaction of both sides, without the reconciling influence of some friendly Power. The case of Schleswig, therefore, appears to be one in which the mediation of other European States is much to be wished, and a European Conference is believed by many to be the only means whereby these long-standing differences have any chance of a permanent adjustment.

Hamburgh, January 31, 1862.

(Signed) J. WARD.

No. 175.

Mr. Ward to Earl Russell.—(*Received February* 6.)

My Lord, *Hamburgh, January* 31, 1862.

THE King's Speech, delivered at Copenhagen on the 25th instant on the opening of the Session of the Imperial Council (Reichsrath), has not, I regret to say, made a favourable impression here, as it is not considered to hold out any prospect of an arrangement of the matters in difference between the Danish Government and the Germanic Confederation.

The Royal Speech throws the blame of the non-settlement of the constitutional position of Holstein within the Monarchy upon the States of that Duchy, who are said to found their claims upon Resolutions of the Germanic Diet awarding to them a greater degree of independence, and of equality with the other parts of the Monarchy, than the Danish

Government can safely concede to them. It must, however, be perfectly well known at Copenhagen that the constitutional functions of the Holstein States can legally and properly be determined by the Federal Diet only, and also that the Diet is the sole interpreter of the laws and regulations of the Federal body. The Resolutions which the Diet has actually passed in regard to Holstein will be found recapitulated in a memorandum which I had the honour to transmit to your Lordship with my despatch of this day's date.

The dissatisfaction prevalent in Holstein has not at all abated since the dissolution of the Assembly of the States in April 1861. It is not yet known here when the Government intends to convene the States again, nor what course it proposes to take with respect to the financial Budget of the Monarchy for the year beginning April 1, 1862. A rumour is current that the Government will "octroyer" the payments to be made by Holstein without asking any vote of the States, but such a course would only have the effect of adding to the existing irritation, and it is much to be lamented that the Danish Government will not make up its mind to proceed in the only just and legal way, viz., by submitting to the vote of the States of Holstein the financial budget of the Monarchy for the year, as regards the share of that Duchy, in the same manner as the Budget of the Monarchy will be submitted to the Imperial Council (Reichsrath) for its vote as regards the shares to be contributed by Denmark Proper and the Duchy of Schleswig.

The Danish Cabinet has lately done an unpopular, if not an impolitic, act, in appointing M. de Scheele to the vacant post of Upper President at Altona, which is the highest executive office in Holstein, as the Minister for the Duchy resides at Copenhagen. M. de Scheele was formerly the first Minister of the Crown, and introduced the so much complained of Corporate Constitution for the Danish Monarchy of October 2, 1855. He was impeached for that step as an illegality before the High Court of Appeal for the Duchy, and although that Tribunal refused to interfere, a very bitter feeling subsisted against M. de Scheele, and he was driven to resign in favour of the actual Premier, M. Hall, and to retire to Pinneberg, where he has long held the office of Land-rost, or Chief Magistrate. I mention M. de Scheele's late appointment to Altona, merely as an instance of the habitual antagonism between the Government and the governed in this part of the Danish Monarchy, for the ex-Minister is notoriously anti-German in his opinions, and has no sympathy with the constitutional principles which the States of the Duchy are striving to establish.

The Danish Government has likewise given much offence by prohibiting (under an Ordinance dated December 24th last) the raising any subscriptions in Holstein for the German fleet. I do not, however, lay any stress upon this act in itself, because Hanover and other German Governments have prohibited the collection of money for a national German fleet not identical with the fleet of the State.

The intention expressed in the Royal Speech to give a more free development to the provincial institutions of Schleswig appears to inspire little confidence that the Government is about to redress the actual grievances of the German inhabitants of that Duchy; and the modifications proposed to be made in the Constitution of the Imperial Council (Reichsrath) are believed by many to be new indications of a fixed design on the part of the Danish Cabinet to effect sooner or later the incorporation of the Duchy of Schleswig with the Kingdom of Denmark. The isolation of Holstein and the gradual assimilation of the state of things in Schleswig to that in Denmark certainly serve to favour the avowed objects of the Eider-Dane party, which are contrary to the conditions of the Peace of 1850, and to the solemn promises given by the King-Duke to his own subjects, and to the German Powers.

I have, &c.
(Signed) J. WARD.

No. 176.

Mr. Paget to Earl Russell.—(Received February 6.)

My Lord, *Copenhagen, February 1, 1862.*

I HAVE had an interview with M. Hall for the purpose of obtaining an explanation of some points mentioned in the Royal Message at the opening of the Rigsraad. I wished to ascertain, with reference to the communication I had made to his Excellency of your Lordship's despatch to Mr. Jerningham of the 15th of January, whether there was any chance whatever of the changes in Schleswig being carried into effect before the Holstein affair was settled, or whether the clause in the King's Message was to be taken as conclusive that nothing would be done until the period alluded to.

M. Hall anticipated my inquiries on the subject by stating that until the discussions respecting Holstein were terminated it was quite impossible to do anything. He entered into a full explanation of the reasons for this, the gist of which was that the Provincial States of Schleswig could not be convoked at the present moment, and that it was only through their medium the contemplated changes could be legally effected. If the King was to impose ("octroyer") a new Constitution on Schleswig by Royal Patent he might, and with justice, be accused of violating his engagements of 1852.

I said I hoped the allusion to a more popular basis for the Representation of the Duchy did not imply an intention to introduce the Danish Electoral Law. M. Hall's assurances on this point were entirely satisfactory.

Turning to Holstein, I said I understood the intentions of the Danish Government, s conveyed in the Royal Message, to be that every sum contributed by Holstein exceeding the Normal Budget was to be dependent on the vote of the Holstein States, in the same manner as the Rigsraad would vote the share of Denmark and Schleswig. I took an instance—the Navy—and asked what the Government would do if the States of Holstein refused any sum whatever towards it. M. Hall's reply was that in this case, which he thought an improbable one, the Government must be satisfied with the Normal Budget, and either reduce the expenses or apply again to the Rigsraad.

With regard to the Army, the Holstein contingent, in so far as regards the financial arrangements and certain other details, is to be dependent on the vote of the States. All the credits which have been hitherto demanded in the Rigsraad have been very distinctly stated to be exclusively on account of Denmark and Schleswig.

It would thus seem that the Danish Government is endeavouring to act in such a manner that there shall be no pretext for a Federal Execution for the reasons, at all events, for which it was threatened last year. If these measures have for effect to separate the Duchy of Holstein from the rest of the Monarchy, and are thus construed into a departure from the basis laid down in 1851 and 1852, it is not easy to see how the demands of the Confederation as set forth in their Decrees of 8th March, 1860, and 7th February, 1861, could be complied with without producing such a result.

I have, &c.
(Signed) A. PAGET.

No. 177.

*Earl Russell to Lord A. Loftus.**

My Lord, *Foreign Office, February 6, 1862.*

I HAVE received your Lordship's despatch of the 25th ultimo, reporting a conversation with Count Bernstorff on the Danish Duchies question. By the arrangement made in 1851 and 1852, Denmark is bound not to incorporate Schleswig, to preserve a separate representation in Schleswig, to give equal rights in Schleswig to the inhabitants of German nationality.

In order to justify in any degree the resort to hostilities, it must be proved that Schleswig has been actually incorporated with Denmark.

It is clear, also, that it must be proved that the separate local representation of Schleswig has been abolished.

If neither of these positions is capable of proof, it is only on the last ground that valid complaints can be made; and surely it will not be pretended that the questions of the language to be used in Divine service, and the examination for the catechism in particular towns and villages, are questions which cannot be solved without the extremity of war.

But Count Bernstorff reverts to the alleged former connection of Holstein and Schleswig.

Let me remark, in the first place, that if this argument is to be brought forward with a practical view, it amounts to a reversal of all that was done in 1851 and 1852, and Denmark would naturally call upon Germany and the Powers of Europe to respect these arrangements. But let us examine further what reasons can be alleged for resorting to a tie which, binding Schleswig to Holstein, and Holstein to Germany, but not binding Schleswig to Germany, was singular, anomalous, and inconvenient.

Let me observe, therefore, as a general rule, that an arrangement which might work smoothly as part of the constitution of an Absolute Monarchy, may become quite impracticable as part of the institutions of a Representative Government.

* A similar despatch was addressed to Lord Bloomfield.

A Constitutional Sovereign may with confidence appeal to the Representatives of his people to furnish the supplies necessary for Civil Government and for military and naval defence. The care of national honour and of national independence makes the interests of a Representative Assembly coincide with those of the Sovereign, and it is only in very extreme cases of outraged right or flagrant corruption that there is any risk of the refusal of the necessary supplies. But the case is totally altered when a part of the Monarchy is called upon to furnish its quota of the General Budget. Local jealousies and local parsimony become in such a case much stronger, while the attachment to national welfare and the sense of responsibility are proportionably weaker.

For this reason Austria would not agree to trust entirely to the voluntary zeal of the Diet of Hungary for the support of its share of the army and navy of the empire. Thus also Prussia herself would not wish to submit her Military Budget to a Diet exclusively composed of the Representatives of the Duchy of Posen.

It is a necessity, however, for Denmark to submit to this inconvenience as regards Holstein, on account of the ties which bind Holstein to the German Confederation. Denmark has to pay the penalty of this position in the indifference shown by the Diet of Holstein to the interests of the Danish Monarchy. But the position of Schleswig is different. Schleswig has no longer a political connection with Holstein; she is represented for the general purposes of finance and legislation in the Rigsraad or Danish Parliament. It can be no matter of surprise that Denmark should show herself uncomplying on the Schleswig question, when it is suggested to her that she ought to set up another semi-independent Diet in Schleswig, looking to Berlin or to Frankfort, and not to Copenhagen, as the seat of power, and the centre round which she is to revolve. Let Count Bernstorff for a moment forget his position as a German Minister, and put himself in the position of the Danish Government. Supposing Denmark to be exposed to any danger from abroad, would it be easy or conducive to the national interests to have to appeal to four separate popular Assemblies in order to obtain money for an army and navy? Would Austria consent to have her army and navy dependent on the separate votes of the Diets of Hungary, Bohemia, Gallicia, and Venetia? Or would Great Britain revert to the times when separate Parliaments in Scotland and Ireland divided the councils and impaired the strength of the empire?

Austria and Prussia have a right to ask, first, that the Decrees of the German Confederation in respect to Holstein and Lauenburg should be obeyed; secondly, that the promises of the King of Denmark, made in 1851 and 1852, should be scrupulously fulfilled. So long as Austria and Prussia do not go beyond these two demands, Her Majesty's Government will have no objection to make; but Her Majesty's Government are desirous to maintain in its integrity the Treaty of 1852, to which Her Majesty was a party.

I am, &c.
(Signed) RUSSELL.

No. 178.

Earl Cowley to Earl Russell.—(Received February 8.)

My Lord, *Paris, February 7, 1861.*

M. THOUVENEL has received information that several of the principal smaller States of Germany have protested at Berlin against the policy laid down by Prussia in the last published documents relative to the Holstein question. His Excellency is apprehensive that this protest may prove very embarrassing to Prussia.

I have, &c.
(Signed) COWLEY.

No. 179.

Mr. Paget to Earl Russell.—(Received February 10.)

My Lord, *Copenhagen, February 6, 1862.*

THE Danish Government has proposed certain modifications in the Constitution for the consideration of the Rigsraad; amongst the number, one for extending its powers of initiative, the choice of its President and Vice-President; another lowering the qualifications of members from 1,200 rix-dollars to 600 rix-dollars income; and a third reducing the number of Members necessary to form a House, from forty-one to thirty-one.

The former number was fixed when Holstein was represented in the Rigsraad, and the total number of Members was eighty. The present number is sixty.

The proposal of the Government has given rise to much discussion, it being contended by the Opposition that the Rigsraad, as at present constituted, has no power to change the existing regulation.

The second reading was, however, carried yesterday afternoon, by a majority of forty-five to two.

I have, &c.
(Signed) A. PAGET.

No. 180.

Earl Russell to Mr. Paget.

Sir, *Foreign Office, February* 12, 1862.

IN reply to your despatch of the 1st instant, reporting a conversation you had held with M. Hall on the points relating to the Danish Duchies, mentioned in the Royal Message to the Rigsraad, I have to instruct you to inquire and report to me what is the tendency of the proposed reforms for Schleswig.

If this effect would be in any way to make the Danish element have an undue preponderance over the German, such a change would be inconsistent with promises made to Austria and Prussia.

I am, &c.
(Signed) RUSSELL.

No. 181.

Lord Napier to Earl Russell.—(Received February 15.)

(Extract.) *St. Petersburgh, January* 31, 1862.

PRINCE GORTCHAKOFF was so good as to read to me this forenoon a despatch from Baron Brunnow recapitulating a conversation with your Lordship on the affairs of Schleswig and Holstein. Baron Brunnow reports that your Lordship recognized that the engagements which the Government of Denmark had taken in reference to the satisfaction of the people of Schleswig—engagements communicated to the German Powers—gave to that extent to those Powers a right of interesting themselves on behalf of Schleswig, and that the Government of Sweden was not justified in asserting that no discussion whatever should take place relative to that Duchy between the Confederation and the Cabinet of Copenhagen. Prince Gortchakoff was highly satisfied by learning that your Lordship's sentiments coincided so exactly with his own on this question.

No. 182.

Lord Napier to Earl Russell.—(Received February 15.)

(Extract.) *St. Petersburgh, February* 3, 1862.

IN conformity with the tenour of your Lordship's instruction of the 15th ultimo, I waited upon Prince Gortchakoff yesterday and offered to read to him your Lordship's despatch of the 15th ultimo to Mr. Paget, and that addressed by your Lordship under date of January 15th to Her Majesty's Minister at Stockholm.

I observed to Prince Gortchakoff at the same time that he would be gratified by earning that the sentiments of Her Majesty's Government in reference to th ealtio s of the Danish Government towards Schleswig-Holstein and the German Confederation were closely similar to his own.

I read to Prince Gortchakoff your Lordship's instruction to Mr. Paget which refers to that forwarded to Mr. Jerningham, but when I proceeded to impart the latter to his Excellency, he begged that it might be left with him for more deliberate consideration, and that he might be permitted to retain a copy of it.

No. 183.

Lord Bloomfield to Earl Russell.—(Received February 17.)

(Extract.) *Vienna, February* 13, 1862.

I HAVE read to Count Rechberg your Lordship's despatch of the 6th instant on the Schleswig and Holstein question, having previously explained to his Excellency that this communication had been addressed to me in consequence of a conversation between Count Bernstorff and Lord Augustus Loftus, in which the Prussian Minister for Foreign Affairs had expressed himself in a tone which appeared to have caused uneasiness to Her Majesty's Government and made them apprehensive that a less conciliatory spirit prevailed at Berlin than was the case some weeks ago.

Count Rechberg replied that the despatch which had just been sent to Copenhagen by the two Governments was, in his opinion, perfectly moderate, and consisted, in fact, in a mere recapitulation of the original demands that the basis of all negotiation must be the arrangements of 1852; and he trusted that Her Majesty's Government would not have cause to see in this despatch any departure from the attitude which Austria and Prussia have heretofore assumed on the question.

With regard to your Lordship's despatch which I had read to Count Rechberg, his Excellency was evidently disinclined to enter into a discussion of its different passages, as I had not given him a copy of it; but his general impression as to its contents was favourable, and his Excellency entirely approved of your summing up of what should be considered the rightful demands of Austria and Prussia, that the Decrees of the German Confederation in respect to Holstein and Lauenburg should be obeyed, and that the promises of the King of Denmark made in 1851 and 1852 should be scrupulously fulfilled.

I drew his attention to the last sentence of your Lordship's despatch, in which you state that Her Majesty's Government are anxious to maintain in its integrity the Treaty of 1852. His Excellency made no observation on the closing paragraph, but he must be perfectly aware that no question can be allowed to arise of any departure from the engagements contracted in 1852 as to the integrity of the Danish Monarchy.

No. 184.

Lord A. Loftus to Earl Russell.—(Received February 17.)

(Extract.) *Berlin, February* 15, 1862.

WITH reference to Earl Cowley's despatch of the 7th instant, reporting that M. Thouvenel had received information that several of the principal smaller States of Germany have protested at Berlin against the policy laid down by Prussia in the last published documents relative to the Holstein question, I have the honour to inform your Lordship, on the authority of Count Bernstorff, that no disapproval of the course pursued by Austria and Prussia on the Danish Duchies question has been expressed in any shape to the Cabinet of Berlin by any of the German States.

To judge of the language of some of the Ministers of the Minor German States at this Court, I should rather believe that they would even see with satisfaction an immediate resort to coercive measures against Denmark. This policy on their part may be in some measure attributed to a desire to see Prussia engaged in a course which might distract her attention from pursuing other ambitious projects in Germany, and thus perhaps ensure a community of action between the two German rival Powers with the other States of Germany.

No. 185.

Lord A. Loftus to Earl Russell.—(Received February 17.)

(Extract.) *Berlin, February* 15, 1862.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 6th instant on the Danish Duchies question.

At an interview I had with Count Bernstorff on the 10th instant, I communicated your Lordship's above-named despatch to his Excellency; but previous to doing so I

thought it desirable, as it referred more particularly to a conversation which I had held with Count Bernstorff, to read to him that part of my despatch of the 25th instant in which I reported his opinion to your Lordship.

With regard to the arguments set forth in your Lordship's despatch so clearly and with such practical illustration as regards the question of the Danish Duchies, Count Bernstorff observed that they were logical and just in theory, but that they were "doctrinaires" as regards the question at issue with Denmark.

He denied that he was desirous of destroying the unity of the Danish Monarchy. He was opposed on these very grounds to the separation of Schleswig from Holstein, and of Holstein from the Monarchy, as lately proposed by the Danish Cabinet.

He did not wish that any centres should be formed which should look elsewhere than to Copenhagen as the seat of power.

In treating this question he could not forget that he was a German Minister, for it was in that capacity that he had to safeguard German interests and the honour of Prussia.

He expressed his entire concurrence with the two concluding paragraphs of your Lordship's despatch resuming the rightful demands which Austria and Prussia were authorised to make of Denmark, requesting me to thank your Lordship for these opinions, and adding "qu'il en prenait acte."

With reference to the Treaty of 1852, his Excellency observed that that Treaty had not been accepted by the Germanic Confederation, although it had been ratified by Austria and Prussia.

So long as Denmark fulfilled the engagements contracted in 1851 and 1852 towards Germany, the Treaty of 1852 would be respected by Prussia, but that Denmark could not break the former without risk to the latter.

No. 186.

Mr. Howard to Earl Russell.—(Received February 17.)

My Lord, *Hanover, February* 15, 1862.

AS your Lordship's despatch of the 6th instant to Her Majesty's Minister at Berl i on the subject of the Danish Duchies contains so clear a statement of the views of Her Majesty's Government on the pending questions, and as I thought it would be useful that Count Platen, who takes considerable interest in them, should be made acquainted with those views, I took the liberty of reading it to his Excellency this day.

Count Platen, when I had finished reading your Lordship's despatch, observed that it would be in my recollection that he had not reverted, as Count Bernstorff appeared to have done in the conversation with Lord Augustus Loftus, to which your Lordship alluded, to the former connection of Holstein with Schleswig, and that he should be satisfied if the promises of the King of Denmark, made in 1851 and 1852, were conscientiously carried out. His Excellency, however, agreed that a representation totally independent of the Rigsraad on common matters could be claimed for Schleswig. He asserted, however, as regards the question of the equality of rights, that Schleswig was entitled to expect the same liberty of the press and of association as was enjoyed by Denmark Proper.

I replied that, without contesting in any manner the desirableness and justice of extending to Schleswig the same liberties as had been granted to Denmark, I could not but remind him that formerly the German Powers were anxious that the Danish Constitution, which they considered too radical, should not be applied to Schleswig, and that the King of Denmark's Patent of the 28th of January, 1852, spoke only of an equality of rights being granted to the German and Danish Nationalities in the Duchy of Schleswig. I therefore do not see how the liberties to which he had alluded could be claimed as a right for Schleswig on the ground of the promises of 1851 and 1852, although I entirely agreed with him that they ought not to be withheld from it. His Excellency, however, adhered to his view of this point.

Count Platen did not enter into any detailed examination of your Lordship's despatch, but he expressed himself as well satisfied with the adoption by your Lordship of the basis of the arrangements of 1851 and 1852.

I have, &c.

(Signed) HENRY F. HOWARD.

No. 187.

Lord Bloomfield to Earl Russell.—(*Received February* 24.)

My Lord, *Vienna, February* 21, 1862.

WITH reference to my despatch of the 13th instant, in which I reported Count Rechberg's having alluded, in the course of conversation, to a further despatch from Vienna and Berlin on the Schleswig and Holstein question, which I understood him to say had actually been despatched to Copenhagen, I have now heard that in consequence of some trifling alterations that had been suggested from here, these identic instructions did not leave Berlin so soon as had been expected, but that they ought to have reached their destination by this time.

I have, &c.
(Signed) BLOOMFIELD.

No. 188.

Lord A. Loftus to Earl Russell.—(*Received February* 24.)

(Extract.) *Berlin, February* 22, 1862.

COUNT BERNSTORFF, in reply to my inquiries, stated to me last evening that the answers of the two German Powers to the last Danish communication had been forwarded to Copenhagen. In their replies to the Danish Government, Austria and Prussia (as I had the honour to inform your Lordship would be the case in my despatch of the 25th ultimo) have requested the Danish Government to state categorically whether they held to the engagements taken by the King of Denmark in 1851 and 1852, and in what manner it is the intention of the Danish Cabinet to fulfil them, as regards the Duchy of Schleswig.

At the suggestion of the Austrian Government, a copy of the engagements taken by the King of Denmark in 1851 and 1852 is inserted in the replies of the German Powers now sent to Copenhagen, and this is, I presume, the modification to which Lord Bloomfield refers in his despatch of the 21st instant.

In addition to this reply of the Prussian Government, Count Bernstorff has addressed a second despatch for communication to the Danish Government protesting against the late measure brought forward in the Reichsrath, as being in violation of the engagements of 1851 and 1852, and as tending to a definitive incorporation of Schleswig into the Danish Monarchy.

No. 189.

M. Hall to M. de Bille.—(*Communicated to Earl Russell by M. de Bille, February* 25.)

Monsieur, *Copenhague, le* 20 *Février*, 1862.

LA manière dont Lord Russell semble envisager les affaires du Slesvig est toujours empreinte de sa bienveillance accoûtumée pour le Danemarc, mais je crains qu'elle ne tienne pas aussi constamment compte des circonstances actuelles. Ce n'est pas que je me méprenne sur les motifs qui ont dicté ces conseils. Car pour être toujours répétées, les prétentions de l'Allemagne n'en sont pas devenues plus justes, et si je crois utile de rétablir encore une fois la vérité sur cette question dans le mémorandum ci-joint, ce n'est certes pas que je doute que le Cabinet de Londres sache apprécier à sa juste valeur cette tentative d'étendre l'action de la Confédération à un pays n'appartenant pas à l'Allemagne. La dépêche de Lord Russell au Chargé d'Affaires d'Angleterre à Berlin en date du 8 Décembre, 1860, accuse des vues dont j'ai constaté la parfaite harmonie avec les nôtres dans ma dépêche du 19 Janvier de l'année passée.

Mais Lord Russell se place à un point de vue qui est bien plus élevé, et où il est sûr de rencontrer toutes nos sympathies, lorsqu'il nous conseille de donner un développement populaire à l'organisation locale du Duché et de rendre l'ingérence de l'Allemagne impossible en ralliant tous les habitants du Slesvig autour d'institutions libérales et autonomes. Dès son avènement au Trône le Roi notre auguste Souverain a constamment eu en vue de répandre sur tous les pays réunis sous son sceptre les bienfaits d'une liberté sage et féconde, et dernièrement encore ces principes se sont manifestés dans le Message Royal adressé au Conseil Suprême. Mais cette tâche assez difficile en elle-même devient

doublement ardue lorsqu'il s'agit de concilier l'autonomie provinciale avec les exigences impérieuses du principe de l'intégrité et de la cohésion de la Monarchie. Mieux que personne, un homme d'Etat aussi versé que Lord Russell dans le jeu des institutions constitutionnelles saura mesurer ces difficultés.

Cette liberté constitutionnelle qu'on appelle de ses vœux, elle existe déjà, non seulement pour les affaires communes, mais aussi dans les institutions locales du Duché. Il faut bien se le rappeler, les Etats Provinciaux exercent déjà une influence considérable, puisqu'aucune loi ni aucune nouvelle taxe ne sauraient être imposées sans leur consentement libre. Et s'il est désirable que les bases de ces institutions deviennent plus populaires et particulièrement qu'une réforme de la loi électorale fasse de l'Assemblée un organe plus vrai des sentiments de la population, il est à coup sûr nécessaire aussi que ces changements se fassent par voie légale, c'est-à-dire, avec le concours des Etats, qui précisément à cause des défauts mêmes auxquels il s'agit de porter remède ne sont pas et ne pourront que successivement être convaincus de la nécessité d'un tel développement. Il ne faut donc pas s'imaginer qu'il dépendrait uniquement de la bonne volonté du Gouvernement de créer d'un coup un état de choses qui satisfasse aux principes plus libéraux ; le développement des esprits doit précéder celui des institutions.

Mais à cette difficulté vient se joindre une autre considération non moins importante. Plus la force centrifuge des parties de la Monarchie augmente par suite du développement donné à leur autonomie provinciale, et plus le centre a besoin d'être fortifié. Mais ces tendances diplomates, qui sont le côté dangereux d'un principe autrement salutaire, ne manqueraient pas de recevoir du dehors une impulsion funeste, tant que la question du Holstein resterait ouverte et les aspirations d'un certain parti pourraient encore se porter vers la formation d'un Slesvig-Holstein. En présence d'une agitation incessante partant de l'Allemagne et s'appuyant sur la menace d'une Exécution qui se dit Fédérale, bien qu'elle aurait pour seul but de nous forcer indirectement à satisfaire aux prétentions mal fondées de l'Allemagne relativement à un pays Danois qui n'appartient pas à la Confédération, il n'est malheureusement que trop évident que le Gouvernement doit se résigner à attendre un temps plus opportun, sous peine de voir l'esprit factieux et la discorde se rallumer dans le Slesvig, et donner par contre coup un nouvel aliment à l'esprit d'envahissement de l'Allemagne, lequel ne manquerait pas à son tour d'augmenter pour les Gouvernements Allemands la difficulté de terminer enfin le différend Holsteinois.

J'aime à croire que Lord Russell, après avoir pesé ces considérations, reconnaîtra la justesse de nos vues, et qu'il appréciera toute la sagesse de la réserve du Message Royal qui fait dépendre l'accomplissement du vœu susmentionné d'une solution préalable du différend avec l'Allemagne à l'égard du Holstein.

Je vous prie, Monsieur, de communiquer à Lord Russell ces explications en même temps que le Mémorandum ci-joint.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, February* 20, 1862.

THE manner in which Lord Russell appears to look at the affairs of Schleswig is always stamped with his accustomed good feeling towards Denmark ; but I fear that it does not so constantly make allowance for the actual circumstances. It is not that I am mistaken as to the motives which have dictated this advice. For the pretensions of Germany have not become more just by perpetual repetition, and if I think it advisable once more to lay down the truth with respect to this question in the inclosed Memorandum, it is certainly not because I doubt the Cabinet of London being able to appreciate at its full value this attempt to extend the action of the Confederation to a country not belonging to Germany. The despatch of Lord Russell to the English Chargé d'Affaires at Berlin, dated the 8th December, 1860, contains views which, in my despatch of the 19th January of last year, I have shown to be in perfect harmony with our own.

But Lord Russell takes his stand on much higher grounds, and where he is sure to meet with all our sympathies, when he advises us to give a popular development to the local organization of the Duchy, and to render the interference of Germany impossible, by rallying all the inhabitants of Schleswig round liberal and autonomic institutions. From his accession to the Throne the King our august Sovereign has constantly had in view the dissemination of the benefits of a wise and fruitful liberty over all the countries united under his sceptre, and lately, again, these principles have been manifested in the Royal Message addressed to the Supreme Council. But this task, sufficiently difficult in itself, becomes doubly arduous when the question is to reconcile the provincial autonomy with the imperious exigencies of the principle of the integrity and cohesion of the Monarchy.

Better than any one, a statesman so well versed as Lord Russell in the working of constitutional institutions will know how to measure these difficulties.

This constitutional liberty which is being invoked, exists already, not only for the general affairs, but also in the local institutions of the Duchy. It must always be borne in mind that the Provincial States already exercise a considerable influence, since no law and no new tax can be imposed without their free consent. And if it is desirable that the bases of these institutions should become more popular, and particularly that a reform of the Electoral Law should make the Assembly a more faithful organ of the sentiments of the population, it is certainly also necessary that these changes should be made in a lawful way, that is, with the co-operation of the States, which, precisely owing to the very defects which have to be remedied, are not, and can only be gradually convinced of the necessity of such a development. It must not then be imagined that it would depend solely upon the good-will of the Government to create at a stroke a state of things which would satisfy the most liberal principles; the development of minds must precede that of institutions.

But to this difficulty another no less important consideration is to be added. The more the centrifugal force of the portions of the Monarchy is augmented in consequence of the development given to their provincial autonomy, the more the centre needs to be strengthened. But these diplomatic tendencies, which are the dangerous side of a principle salutary in other respects, would not fail to receive from without a fatal impulse, as long as the Holstein question remains open, and the aspirations of a certain party might still incline towards the formation of a Schleswig-Holstein. In presence of an incessant agitation taking its rise in Germany, and relying upon the threat of a so-called Federal Execution, although its only object be to force us indirectly to satisfy the ill-founded pretensions of Germany with respect to a Danish country which does not belong to the Confederation, it is unfortunately only too evident that the Government must make up their mind to wait for a more opportune time, under pain of seeing a factious spirit and discord rekindled in Schleswig, and thus in return afford a new support to the spirit of encroachment in Germany, which would not fail in its turn to increase for the German Governments the difficulty of at last terminating the Holstein dispute.

I would fain believe that Lord Russell, after having weighed these considerations, will recognize the justice of our views, and that he will appreciate all the wisdom of the reservation in the Royal Message which makes the accomplishment of the above-mentioned wish dependent upon a previous solution of the dispute with Germany, as regards Holstein.

I request you, Sir, to communicate to Lord Russell these explanations simultaneously with the inclosed Memorandum.

I have, &c.
(Signed) C. HALL.

Inclosure in No. 189.

Memorandum.

DANS les dépêches Autrichiennes et Prussiennes de 1851 il est textuellement reconnu que "le Slesvig est un pays non-Allemand, dont les affaires ne peuvent, par conséquent, devenir le sujet de discussions et de négociations avec la Confédération Germanique." Mais attendu que depuis 1834 une communauté administrative et judiciaire avait existé entre le Slesvig et le Holstein, les deux grandes Puissances Allemandes revendiquèrent pour l'Allemagne la compétence d'examiner si cet ordre de choses avait été fondé sur un droit acquis. Cet examen fait, elles déclaraient expressément qu'un tel droit n'existait pas, et que, par conséquent, les Résolutions par lesquelles le Gouvernement Royal avait définitivement aboli ce lien entre le Duché Danois de Slesvig et le Duché Allemand de Holstein "étaient pleinement justifiées, et qu'elles ne relevaient pas de la compétence ni de l'assentiment de la Confédération."

Donc, lorsqu'on entend quelquefois affirmer que l'Allemagne serait en droit d'exiger le renouvellement de l'ancienne communauté entre le Holstein et le Slesvig, du moment que le Danemarc refuse de faire droit à ses demandes relativement au Slesvig, il n'y a là qu'une erreur; car l'abolition de cette communauté était, de l'aveu de l'Allemagne elle-même, purement et simplement justifiée par le droit souverain du Roi, mais nullement subordonnée à certaines conditions imposées.

Tout droit auquel l'Allemagne pourrait prétendre, à l'égard du Slesvig, dériverait ainsi nécessairement, non pas d'une union antérieure entre ce Duché et le Holstein, mais spécialement et expressément d'une transaction internationale, et nommément de ce qui

s'est passé en 1851-52. Les actes dont il peut être question sont l'Arrêté Fédéral du 29 Juillet, 1852, la correspondance diplomatique de 1851, et l'Ordonnance Royale du 28 Janvier, 1852.

L'Arrêté Fédéral du 29 Juillet, 1852, est l'acte final qui termine la négociation antérieure entre le Danemarc et les mandataires de la Confédération, et qui en ratifiant le résultat "vide définitivement le différend existant." Cet Arrêté, qui, par suite de son caractère définitif, devait embrasser tous les points dont on était tombé d'accord, porte que la nouvelle organisation que le Roi voulait donner à ses pays "était en tant qu'elle regardait le Holstein et le Lauenburg conforme aux droits et aux lois de la Confédération." Dans cet acte, qui avait pour but de fixer définitivement les droits de la Diète vis-à-vis du Danemarc, le Slesvig n'est pas mentionné d'un seul mot.

La correspondance diplomatique de 1851 est simplement préparatoire, et ce serait une prétention illégitime de vouloir en déduire ce qui n'a pas trouvé son expression définitive dans l'acte final. Mais, abstraction faite même de ce principe incontestable, la correspondance ne contient point d'engagement, dans le vrai sens de ce mot, relativement au Slesvig. Les deux Cours Allemandes invitèrent le Gouvernement Danois à leur faire connaître ses intentions à l'égard du Slesvig, en déclarant que "les droits souverains de Sa Majesté leur seraient toujours sacrés, mais que dans leur conviction la plus profonde il ne serait porté aucune atteinte à ces droits si le Roi se trouvait dans le cas de devoir donner des éclaircissements à ses confédérés." Par suite de cette invitation, et à titre d'explications volontaires, le Gouvernement du Roi déclara qu'il ne voulait pas procéder à l'incorporation du Slesvig dans le Royaume proprement dit; qu'il rétablirait, par conséquent, les Etats Provinciaux du Slesvig; ensuite qu'il maintiendrait le *nexus socialis* entre l'ordre équestre du Holstein et celui du Slesvig.

L'Ordonnance Royale du 28 Janvier, 1852, enfin fit connaître à tous les sujets du Roi les principes d'après lesquels la nouvelle organisation de la Monarchie serait réglée. Dans cette Ordonnance le Roi déclarait vouloir accorder aux nationalités Danoise et Allemande dans le Slesvig des droits égaux et une protection efficace.

Vouloir assigner à cet acte un caractère international, en s'appuyant sur le fait qu'il fut communiqué à la Diète de Francfort à l'occasion de l'Arrêté Fédéral du 29 Juillet, 1852, serait oublier qu'en transmettant cette pièce l'Envoyé Danois ajouta expressément que la Diète y apprendrait notamment la position que le Gouvernement du Roi se proposait d'accorder au Holstein, et que la Diète accueillit la communication dans ce sens, comme il ressort assez clairement de la teneur susmentionnée de l'Arrêté.

Ainsi, il n'existe aucune promesse internationale, aucun acte synallagmatique de la part du Gouvernement Danois à l'égard du Slesvig. Tout au plus, il existe dans la correspondance préliminaire certaines indications d'intentions que la Prusse résume elle-même dans l'annexe de sa dépêche finale du 30 Décembre, 1851, en formulant les trois points susmentionnés, savoir, la non-incorporation du Slesvig dans le Royaume proprement dit, le rétablissement des Etats Provinciaux, et le maintien du *nexus socialis*. La question des nationalités dans le Slesvig n'est pas même mentionnée dans la correspondance préalable, et par aucune interprétation l'Allemagne ne peut s'arroger le moindre droit de se faire le juge de la réalisation d'une intention que le Roi a exclusivement déclarée à ses sujets Slesvigois.

Mais les intentions Royales, quelle qu'en soit d'ailleurs la nature, ont été entièrement et immédiatement remplies.

La Constitution Provinciale de 1854 a considérablement élargi l'autonomie du Slesvig pour ses affaires provinciales, en accordant aux Etats Provinciaux, antérieurement purement consultatifs, le vote délibératif pour les lois, y compris celles qui établiraient de nouveaux impôts ou changeraient l'assiette des taxes existantes. Cet état de choses est resté depuis lors en pleine vigueur et aucun changement ne pourrait s'y faire sans le consentement des Etats Provinciaux eux-mêmes. De l'autre côté, le Slesvig envoie des Députés en proportion exacte de sa population au Conseil Suprême qui traite les affaires communes. Si le Holstein n'est plus représenté dans cette Assemblée de la Monarchie, qui, par conséquent, n'exerce plus aucune autorité législative sur le Holstein, c'est bien certainement la Diète de Francfort seule qui a provoqué cette anomalie; mais, quelle que soit la position qui résultera pour le Holstein des exigences de la Confédération, toujours est-il que la position Constitutionnelle et le droit public du Slesvig n'auront subi aucune modification par suite de cet état de choses. Personne enfin n'a contesté que le *nexus socialis* entre les ordres équestres, qui du reste n'a aucun intérêt politique, se bornant à certains privilèges nobiliaires d'un ordre purement privé, n'a pas même été mis en question.

Reste enfin à connaître les dispositions qui protègent les deux nationalités dans le Slesvig, et la manière dont le Roi a réalisé son intention annoncée à ses sujets Slesvigois.

Quant à ce point, il n'est pas nécessaire ici d'entrer de nouveau dans les détails qui se trouvent exposés dans la note adressée par M. de Bille à Lord Russell en date du 23 Juillet, 1860. Il suffira de savoir que les principales dispositions qui, après que l'avis des Etats était pris, ont été définitivement fixées dans la Constitution Provinciale, et qui se trouvent par là soustraites à toute influence de l'Administration, sont exactement les mêmes qui existaient en pleine vigueur en 1851-52, sans provoquer alors la moindre observation de la part de l'Allemagne. Quant à l'exécution de ces dispositions, il n'y a qu'une Ordonnance administrative qui soit intervenue depuis 1852, et elle est exclusivement en faveur de la nationalité Allemande.

(Translation.)

IN the Austrian and Prussian despatches of 1851 it is textually acknowledged that "Schleswig is a non-German country, the affairs of which cannot, consequently, become the subject of discussions and negotiations with the Germanic Confederation." But inasmuch as since 1834 an administrative and judicial community had existed between Schleswig and Holstein, the two great German Powers claimed for Germany the competence of examining whether this order of things had been founded upon an acquired right. This examination made, they declared expressly that such a right did not exist, and that, consequently, the Resolutions by which the Royal Government had definitively abolished this tie between the Danish Duchy of Schleswig and the German Duchy of Holstein "were fully justified, and that they were not within the competence, nor required the assent, of the Confederation."

Hence, when one sometimes hears it affirmed that Germany would have the right to require the renewal of the ancient community between Holstein and Schleswig, the moment Denmark refuses to entertain her demands with respect to Schleswig, this is simply an error; for the abolition of this community was, by the avowal of Germany herself, purely and simply justified by the sovereign right of the King, but not at all subject to certain imposed conditions.

All the right to which Germany could pretend, with regard to Schleswig, would thus necessarily be derived, not from a previous union between this Duchy and Holstein, but specially and expressly from an international transaction, and particularly from what passed in 1851 and 1852.

The acts to which allusion may be made are the Federal Resolution of the 29th July, 1852, the diplomatic correspondence of 1851, and the Royal Ordinance of the 28th January, 1852.

The Federal Resolution of the 29th July, 1852, is the final act which terminates the previous negotiation between Denmark and the Representatives of the Confederation, and which in ratifying the result "exhausts definitively the existing dispute." This Resolution, which, owing to its definite character, should embrace all the points which have been agreed upon, states that the new organization which the King wished to give to his countries, "was, so far as it concerned Holstein and Lauenburg, in conformity with the rights and laws of the Confederation." In this act, which had for its object the definitive settlement of the rights of the Diet as regards Denmark, there is not a single word mentioned about Schleswig.

The diplomatic correspondence of 1851 is simply preparatory, and it would be an illegitimate pretension to wish to deduce from it what has not been definitively expressed in the final act. But, laying aside even this incontestable principle, the correspondence contains no engagement, in the true sense of this word, relative to Schleswig. The two German Courts invited the Danish Government to inform them of their intentions with regard to Schleswig, by declaring that "the sovereign rights of His Majesty would be always sacred to them, but that it was their most profound conviction that those rights would not be at all injured if the King were to find himself obliged to give explanations to his confederates." In consequence of this invitation, and under the head of voluntary explanations, the Government of the King declared that they would not proceed to the incorporation of Schleswig with the kingdom properly so called; that they would consequently re-establish the Provincial States of Schleswig; further, that they would maintain the *nexus socialis* between the Equestrian Order of Holstein and that of Schleswig.

The Royal Ordinance of the 28th January, 1852, at last made all the subjects of the King acquainted with the principles according to which the new organization of the Monarchy was to be regulated. In this Ordinance the King declared himself willing to grant to the Danish and German nationalities in Schleswig equal rights and an efficacious protection.

To attempt to assign to this act an international character, relying upon the fact that

it was communicated to the Diet of Frankfort, on the occasion of the Federal Order of the 29th July, 1852, would be to forget that in transmitting this document the Danish Envoy added expressly that the Diet would, in fact, learn thereby the position which the Government of the King proposed to confer upon Holstein, and that the Diet received the communication in this sense, as is clearly enough shown from the above-mentioned tenour of the Resolution.

Thus, there exists no international promise, no reciprocal act on the part of the Danish Government with regard to Schleswig. At most, there exists in the preliminary correspondence certain indications of intentions which Prussia herself sums up in the inclosure to her final despatch of the 30th December, 1851, mentioning the three aforesaid points, viz., the non-incorporation of Schleswig with the kingdom properly so called; the re-establishment of the Provincial States; and the maintenance of the *nexus socialis*. The question of the nationalities in Schleswig is not even mentioned in the preliminary correspondence, and Germany cannot, according to any interpretation, assume to herself the least right to make herself the judge of the realization of an intention which the King has declared exclusively to his Schleswig subjects.

But the Royal intentions, whatever may be their nature, have been entirely and immediately fulfilled.

The Provisional Constitution of 1854 has considerably enlarged the autonomy of Schleswig as regards its provincial affairs, by granting to the Provincial States, previously purely consultative, a deliberative vote on the laws, including those which would establish new imposts or change the assessment of existing taxes. This state of things has since then remained in full vigour, and no change could be made in it without the consent of the Provincial States themselves. On the other hand, Schleswig sends Deputies in exact proportion to its population to the Supreme Council which treats of general affairs. If Holstein is no longer represented in this Assembly of the Monarchy, which consequently no longer exercises any legislative authority over Holstein, it is very certainly the Diet of Frankfort alone which has produced this anomaly; but, whatever be the position which results for Holstein from the requirements of the Confederation, the constitutional position and the public law of Schleswig will not in any case have undergone any modification in consequence of this state of things. No one, in fine, has contested that the *nexus socialis* between the Equestrian Orders, which indeed has no political interest, being confined to certain privileges of nobility of a purely private order, has not even been questioned.

Lastly, one must be acquainted with the provisions which protect the two nationalities in Schleswig, and the manner in which the King has realized the intention he announced to his Schleswig subjects. As to this point, it is not necessary here to enter anew into the details which are specified in the note addressed by M. de Bille to Lord Russell, dated July 23, 1860. It will be sufficient to know that the principal provisions which, after the advice of the States was taken, were definitively fixed in the Provincial Constitution, and which are thereby removed from all influence of the Administration, are exactly the same which existed in full vigour in 1851-52, without at that time eliciting the least observation on the part of Germany. As to the execution of these provisions, there is but one administrative Ordinance which has appeared since 1852, and it is exclusively in favour of German nationality.

No. 190.

Earl Russell to Mr. Paget.

My Lord, *Foreign Office, February* 26, 1862.

M. DE BILLE called upon me at the Foreign Office on the 20th instant, at my request.

I told him I had desired to see him, in order to give him my opinion of the policy which Denmark ought at the present moment to pursue.

Germany, I continued, is not inclined, apparently, to exercise any immediate pressure upon Denmark. This was an opportune moment for Denmark to review her position, to fulfil scrupulously all her engagements, and to make good every promise by which the King had bound himself. Denmark could do this with perfect dignity, free from any menace, and would earn thereby the sympathy and applause of Europe. The concessions made to Holstein, though not very courteously accepted, had shown the desire of the King for conciliation; and a similar course of conciliation towards Schleswig would greatly improve the King's position, and might possibly settle the whole question.

M. de Bille said that there were three questions upon which Germany complained of the Danish Government.

The first was as to the language used in churches and schools, in the districts of mixed nationality.

With regard to this question, the Danish opinion was, that too much had already been conceded to Germany. It had been suggested, indeed, that the majority of inhabitants in each district should decide as to the language to be used in churches and schools; but any such provision would give rise to ill-will, contests, and conflicts.

I said I had no such proposal to make; but I thought where a considerable number of the inhabitants of a district were Germans, although not a majority, they might be allowed a church and a school of their own. The expense might be somewhat heavy, but the contentment of the German inhabitants would be worth the price.

M. de Bille said, this plan had been considered, and at one time he had been favourable to it; but the leading statesmen of Denmark had convinced him that such a measure would be inexpedient.

The next question related to the composition of the Provincial Assembly of Schleswig. It was composed of forty-three members, namely:—

Equestrian order	4
Great landed proprietors	5
Clergy	5
Towns	10
Rural constituencies	19
	43

The Equestrian Order consisted of about twenty persons, and the Great Landowners of seventy. These persons, ninety in all, returned nine members out of forty-three: all Germans.

The Danish Government wished for a more liberal suffrage; but the Assembly would not agree to it.

I said, "How more liberal?"

M. de Bille replied, that the Danish Government were willing to have the members elected by universal suffrage.

I said, I did not think such a suffrage a good basis of representation; but it would be desirable to have the members elected by a liberal franchise.

We now came to the third point on which stress was laid in Germany, namely, a greater liberty of the press, of public meetings, and of petition.

In reference to these questions, M. Bille said nothing could be done till the Provincial Assembly was reformed. The German press was full of seditious exhortations against Denmark, and its newspapers could not be allowed to circulate in Schleswig. So, likewise, in regard to meetings and petitions. An individual, indeed, might petition; but not more than one.

I said this was a futile precaution. If twenty persons could sign their names to twenty petitions, why not allow them to sign twenty names to one petition?

Finally, I entreated M. Bille to represent the views I had expressed to his Government. To say that Denmark would satisfy the demands of the Confederation now, and comply with the just wishes of Schleswig afterwards, was to insist on points of form, when peace and substantial justice were the objects to be sought. Let large measures be adopted at once, and Denmark will stand well in the eyes of Europe.

I request you to urge these points, and to read the despatch to M. Hall.

I am, &c.

(Signed) RUSSELL.

No. 191.

Earl Russell to Lord A. Loftus.

My Lord, *Foreign Office, February* 26, 1862

IT appears from your Lordship's despatch of the 22nd instant, reporting a conversation which you had held with Count Bernstorff relative to the Danish Duchies question, that the Governments of Prussia and Austria have requested the Danish Government to state categorically whether they held to the engagements taken by Denmark in 1851 and 1852, and also to state in what manner they propose to fulfil those engagements as regards the Duchy of Schleswig.

It appears further, that, at the suggestion of the Austrian Cabinet, a copy of the engagements taken by Denmark in 1851 and 1852 has been annexed to these inquiries.

This course appears to Her Majesty's Government a very proper one. But until the

Danish Government has answered these despatches, it seems premature to discuss a project for the partition of Schleswig, to which Count Bernstorff so constantly alludes.

If Denmark can give adequate security for the fulfilment of her engagements of 1851 and 1852, it will surely be unnecessary to discuss other projects not comprised in these engagements.

If Denmark repudiates these engagements, other plans of settlement may be brought forward.

I am, &c.
(Signed) RUSSELL.

No. 192.

Mr. Paget to Earl Russell.—(Received March 1.)

My Lord, *Copenhagen, February* 24, 1862.

ON Friday last, the 21st instant, the Austrian and Prussian Ministers communicated to M. Hall the reply of their Governments to his Excellency's despatch of the 26th of December.

The despatches from both Governments I am informed (for I have not seen them) are identical. That from Count Bernstorff is dated the 8th instant, and ends by the categorical inquiry, whether the Resolutions of the Danish Government of the year 1860 are to be considered definitive, and whether they intend to stand by them; or whether they acknowledge the binding character of the promises of 1851 and 1852 with regard to Schleswig, and will adhere to them as a basis for further negotiations with the German Powers.

There is a further despatch, dated the 14th instant, which has for its object to protest against any proceeding of the Rigsraad which may affect, in the sense of a closer union with the Kingdom, the position of Schleswig as agreed upon in 1851 and 1852.

I have, &c.
(Signed) A. PAGET.

No. 193.

Mr. Howard to Earl Russell.—(Received March 3.)

My Lord, *Hanover, March* 1, 1862.

YOUR Lordship will, no doubt, be already acquainted with the despatches of the 8th and 14th ultimo, addressed by the Prussian Government, concurrently with Austria, to the Danish Government; the one, as Count Platen informs me, repeating their inquiry as to the manner in which Denmark proposes carrying out the arrangements of 1851 and 1852, in respect to Schleswig, and the other making reserves as to certain recent decisions of the Danish Rigsraad affecting the position of Holstein in the collective Monarchy.

The Prussian Minister at this Court has communicated these despatches to Count Platen, who expressed his concurrence with their views, as being in conformity with the principles of the arrangements of 1851 and 1852.

I may add that his Excellency is of opinion that the Danish Government would do well to return, as regards the German Duchies, to the basis of those arrangements, viz., to the plan of the collective State.

I have, &c.
(Signed) HENRY F. HOWARD.

No. 194.

Memorandum communicated to Earl Russell by Count Bille, March 4, 1862.

THE reason why the Danish Government has not been able to comply simply and unconditionally with the terms of the Resolution adopted by the Germanic Confederation, on March 8, 1860, may be stated as follows:—

The Diet claimed not only that no law in the common affairs of the Monarchy should be enacted, which had not received the sanction of the Holstein Estates, but besides, that those matters which in the Royal Proclamation of January 28, 1852, had been designated

as common affairs for the whole Monarchy, should continue to remain so. Consequently, any legislation in common affairs required the assent of both Assemblies, *i.e.*, the Rigsraad for Denmark-Schleswig, and the Holstein Estates for Holstein; and furthermore, no legislation in such matters could take place separately, either for Denmark. Schleswig, or Holstein.

It is with this latter point that the Danish Government has found it impossible to comply.

The Danish Government would be willing to concede that no legislation in common affairs extending to Holstein should take place without the assent of the Holstein Estates, as long as that Duchy was not represented in the common Parliament (Rigsraad), but it could not make legislation in all common affairs for Denmark-Schleswig also dependent on the assent of the Provisional Assembly of Holstein.

The Danish Government might, for instance, consent to limit the vote of the Budget by the Rigsraad to the quota of Denmark-Schleswig, but it could not consent to submit to the votes of the Holstein Estates, not only the quota of Holstein to the common Budget, but also that of Denmark-Schleswig.

The proposals submitted to Prussia and Austria contemplated, therefore, the doing away altogether with the classification of affairs as common and special in reference to Holstein, so long as that Duchy is not represented in the common Parliament. The legislative authority of the Holstein Assembly would in that case embrace all affairs concerning the Duchy of Holstein, but not extend to controlling or preventing all legislation in the other parts of the Monarchy.

Legislation, in what has hitherto been designated as common affairs for the whole Monarchy, could, in fact, not be made to depend upon the will and co-operation of the Provincial Assembly of Holstein. Holstein might legislate for herself, but it was evidently impossible to allow her to control or stop all legislation for the rest of the Monarchy. Nevertheless, Count Bernstorff in his despatch of February 8th last, says that the terms of the Federal Resolution of March 8, 1860, were simple, and compliance with them easy on the part of the Danish Government.

No. 195.

Count Bernstorff to M. de Balan.—(Communicated to Earl Russell by M. de Bille, March 4.)

(Translation.) *Berlin, February 8, 1862.*

YOU are already acquainted with the despatch which Minister Hall addressed on the 26th of December last to M. Quaade, as an answer to the inquiry we had made for the purpose of obtaining a sure foundation for judging the Danish proposals.

This reply had been looked forward to, in the hope that an open and unreserved declaration of its intentions on the part of the Danish Government would greatly promote the bringing about of an understanding.

This expectation has not been realized.

The Danish Cabinet wants to limit the negotiations to regulating provisionally the position of Holstein.

As answer to our inquiry the despatch of December 26 refers to the past, and gives at the same time an account of the course events have hitherto taken, with the object of bringing an accusation against the Germanic Confederation for having rendered impossible the establishment of a common Constitution for the whole Danish monarchy.

Minister Hall declines every explanation concerning the affairs of the Duchy of Schleswig, and avoids any definite declaration as to the sense in which the Danish Government understands the negotiations and transactions of 1851 and 1852.

It is plain that the present negotiations are thereby deprived of their only sure foundation. Led by the wish of coming to an understanding we will nevertheless once more try to replace the negotiations on that foundation. In order to do so, it is, however, absolutely necessary to keep distinctly in mind the character and object of the present negotiations. For when the Danish Minister wants the negotiations to be directed towards a provisional solution of the question "in what manner the Federal Resolution of March 8, 1860, can be carried out," this neither responds to the clear and simple meaning of that Resolution, nor to the relation in which the two German Powers stand to it.

The Resolution of March 8, 1860, in which the Federal Diet, for the first time, and in consequence of a communication made by the Royal-Ducal Government in reference to certain provisional measures that had been adopted, took into consideration the question of a provisional state of things, established the conditions under which such a Provisorium

could be allowed to the Royal-Ducal Government. The Resolution insisted at the same time, however, on steps being speedily taken for the bringing about of the definitive regulation prescribed by the Resolution of February 11, 1858. Means were thus offered the Royal-Ducal Government for staying the carrying out of the Federal measures, which had already been initiated. How then can these conditions be now made the subject of the present negotiations? These conditions are simple; to comply with them is in the power of the Danish Government, and no new negotiations are necessary for that purpose. We need not, therefore, concern ourselves further with the remark made in the Danish despatch, "that the present negotiations must be terminated within a fixed period." We would otherwise be obliged to resort to this remark, that if on the expiration of the period indicated by M. Hall the Danish Government should take upon itself to trangress the aforesaid condition, and interfere with the present provisional state of things, the Confederation would of course be placed in the position of letting those Federal proceedings take their course which were initiated for the purpose of carrying out the Resolution of February 11, 1858.

If the Danish Government, instead of simply complying with the conditions of the aforesaid Federal Resolution, would negotiate on the subject of another Provisorium, it would thereby call in question the premises on which that Resolution was based. To those premises belonged, as M. Hall in another part of his despatch remarks, the maintenance of the "Reichsrath." The Federal Diet could in anticipation of a speedy definitive regulation, and under certain conditions, allow the Reichsrath to exist, but as legally existing the Diet could not acknowledge it, being in contradiction with the agreements of 1851 and 1852, which stipulated a uniform connection of all the different parts of the monarchy, and the avoidance of any steps tending to an incorporation of Schleswig. If the Danish Government had in its propositions of October 26, 1861, placed as co-ordinate with the Holstein Estates, instead of the "Reichsrath," the separate representations of the other parts of the monarchy, that is to say, the Parliament of the kingdom and the Estates of Schleswig, and endowed them with the same attributes as those which have been conceded to the Estates of Holstein, the two important and integral parts of the agreements of 1851 and 1852 would at any rate have been carried out, and there would have been a possibility of negotiating on the subject of the proposals submitted for a provisional organization calculated to last for a longer period, and leaving to future developments the bringing about of an understanding as to the definitive organization of the union of the different parts of the monarchy.

Should the Danish Government, however, not be able to make up its mind to do so, the German Powers would the more imperatively be bound to endeavour to bring about an understanding as to a definitive regulation of the constitutional question in all its bearings, and on its international basis. The German Powers having already declared themselves ready to do so, and having openly explained their position in reference to that basis, the next step required is a decided declaration of the Danish Government as to its own intentions in this respect, and as to its own position to the aforesaid basis, from the years 1851 and 1852. The German Powers, unfortunately, cannot conceal from themselves that, to insist on this requirement, which had already been set forth in their first reply, has now, in view of the contents of the despatch of December 26, become even a still more imperative and unavoidable duty on their part.

At this point must be specially noticed the historical retrospect of the course of events, in which, according to a remark of Minister Hall, we are to find the explanation to our inquiry. To submit in its details this retrospect to criticism, or to defend the Confederation against the imputation contained in it, that the Confederation had rendered a definitive re-establishment of a common Constitution impossible, would not comport with the dignity of the two German Powers. It is notorious from what quarter the separation of Holstein from the bonds of a common union is pressed. But the German Powers must protest against the moderation and patience with which the Confederation has acted being perverted into an accusation against it. They must remind the Copenhagen Cabinet that as early as June 1856, that is to say, shortly after the promulgation of the common Constitution, the Cabinets of Berlin and Vienna did not fail, in the friendliest manner, to call the attention of the Danish Government to the circumstance that this common Constitution did not, either in form or execution, conform to the principles established in 1851 and 1852. They expressed at the time the hope that the Danish Government would, in the Constitution itself, find the means of correcting the faults, by a quiet development of the provisions it contained; whilst they, on the other hand, did not conceal from the Danish Government that if this were not done the German Confederation would be placed in the necessity of insisting on the accomplishment of the engagements that had been contracted. Now, it is brought as an accusation against the Confederation that it has postponed so long

making those demands, that it has had the patience to wait for years, in the hope of seeing the Copenhagen Cabinet acting upon the friendly advice given it.

But we will not follow the example of the Danish despatch by entering into recrimination and a fruitless polemic on the subject of the past. We will, for that reason, not recur to what was remarked in our first communication on the conduct of officials in the Duchy of Schleswig. Minister Hall will be able to tell, himself, that statements made on facts that are notorious, and accredited by public documents, cannot be controverted by a merely general appeal to impartial justice and mildness of rule. We will not at present, by any further reference to this gaping wound, increase the difficulties of the negotiations. We will rather at once declare what we at present must expect from the Danish Government, in order to be able to maintain that foundation for the negotiations which the despatch of December 26 has placed in question.

The despatch of December 26 admits in a measure, that the (on the Danish side) contemplated separate position of the Duchy of Holstein, which is to be made the foundation of ulterior developments, would not accord with the basis of 1851 and 1852. This fact is not disputed; it is only attempted to be explained. Nor is it denied that the transactions of 1851 and 1852 essentially turned upon the Duchy of Schleswig, and particularly on the position of that Duchy in the collective Danish Monarchy, as well as on the relation of the nationalities comprised within the county. Nevertheless, the despatch declines all discussion as to Schleswig in the present negotiations, and declares the introduction of this subject in the discussion to be something new and unjustifiable. The despatch further eludes the declaration requested by us, as to how the definitive regulation should be brought into unison with the basis of 1852. It avoids reference to the negotiations of 1851 and 1852, and where these are mentioned, it refers to a correspondence which took place in 1860, which, in truth, bore very closely upon the gist of the pending differences, and, consequently, also on the negotiations having for object the solution of those differences.

On our part we did not intend to refer to that correspondence, because we did not wish to treat views expressed on an incidental question as embodying the well-reflected and decisive opinion of the Danish Government. Besides, the assertions of the Copenhagen Cabinet had encountered at once a decided protest on the part of both German Powers, and we might hope that our detailed and thorough refutation of those assertions could not have been without effect. We could not, therefore, believe that the Copenhagen Cabinet would again renew assertions having for object to deny the existence of any binding engagement whatever concerning the Duchy of Schleswig.

It might for a moment have been overlooked at Copenhagen that not only the evacuation of Holstein, and the full restoration of the authority of the authority of the Sovereign in that Duchy, but also the participation of the German Powers in European transactions, on which the Danish Government laid a great weight, were made to depend on the binding form of a declaration made by order of His Majesty the King of Denmark "as stated in the despatch of the Austrian Cabinet, dated December 26, 1851," and that the Danish Minister of the time, in his reply of January 29, 1852, stated that he communicated by authority of His Majesty's Government, the declaration "which both generally, as also specially, in so far as the non-incorporation of Schleswig into the kingdom was concerned, agreed with the views of the German Powers."

When now, however, the Danish Minister refers to these assertions they certainly acquire an increased importance, and when taken in connection with the whole of the contents of the despatch of December 26th they place the German Powers in the necessity of addressing, in the first place, to the Danish Government the question, whether it really has expressed in the cited correspondence of 1860 its final opinion and intends to adhere to it; or whether it still recognizes the binding character of the promises made in 1851 and 1852, and also in respect to the Duchy of Schleswig, and will make such a recognition the basis of ulterior negotiation with the German Powers.

In addressing to the Danish Government this question, both the German Powers are conscious that they thereby restore the question to its true and simple stand-point. Only by the reciprocal recognition of existing obligations can a sure foundation for an understanding be laid.

You will please bring this communication to the knowledge of Minister Hall, and give him a copy of the same.

No. 196.

Count Bernstorff to M. de Balan.—(Communicated to Earl Russell by M. de Bille, March 4.)

(Translation.) *Berlin, February 14, 1862.*

THE projects of law submitted by the Government of His Majesty the King of Denmark to the Reichsrath, which met on the 25th of last month, have been made public by the journal of the Reichsrath, and we have thus become acquainted with them.

These projects of law, which concerned a change in several paragraphs of the Constitutional Law of October 2, 1855, in respect to the Reichsrath, could not escape our attention.

Far from wishing to interfere in the internal affairs of the Danish Monarchy, or to judge of the acts of the Government in so far as these alone bore upon internal affairs, we have here to take into consideration, in the first place, that through these projects of law, and also in consequence of the composition of the Reichsrath being limited to only one part of the Monarchy, the relations of the Duchy of Schleswig to the kingdom are essentially affected.

Secondly, that the relations of the Duchy of Schleswig to the Kingdom of Denmark were fixed in 1851 and 1852 by an international transaction between Prussia and Austria acting on behalf of the Germanic Confederation, on the one side, and Denmark on the other, and which transaction was sanctioned by the Confederation.

These facts place us under the obligation of reminding that one-sided legislative Acts, in whatever form they may take place, cannot, in a legal manner, alter stipulations that rest on agreements having an international nature.

We deem it expedient, in this place, to cite verbally those points of the aforesaid agreement which come principally under consideration.

By the communication of January 29, 1852, the Copenhagen Cabinet acknowledged as binding on the Government of His Majesty the King of Denmark the five points contained in the appendix to the despatch of the Vienna Cabinet of December 26, 1851.

In this appendix it is said, as to point 1 :—

" As sincerely as His Majesty the Emperor desires to see soon firmly established the order and welfare of the Danish State by means of a definitive organization corresponding to its wants, as confidently does His Majesty entertain the hope that the Danish Government, in its endeavours to accomplish this end, will not give the institutions which in the last years have been conferred on the kingdom of Denmark Proper an exclusive preference, but that it will keep in view, as the only sure aim to be followed, the permanent relations of the whole Monarchy and the object of strengthening the bonds uniting it as a whole. Once assured of this His Majesty will not delay to take part with other friendly Powers in securing those bonds by the international guaranty of a common succession for all parts of the Monarchy."

In regard to point 2 the same document expressly stipulates:—

" In the declaration of His Majesty the King of Denmark that neither an incorporation of the Duchy of Schleswig into the kingdom, nor any steps tending to such a result will be taken, the Imperial Court sees with satisfaction a renewed confirmation of that promise which the late King Christian VIII gave to his subjects, and which the now reigning Sovereign, immediately on the conclusion of the Peace of July 2, 1850, repeated in the Manifest of the 11th of that month, and which also, in conformity with the IVth Article of the said Treaty of Peace was communicated to the Germanic Confederation as a resolution adopted by the King with a view to the pacification of the country."

In view of the state of the present pending negotiation we may regard ourselves as dispensed from the necessity of examining in detail the bearing of the projects of law mentioned in the beginning, the provisional or definitive character with which the Danish Government may invest them, and the relation in which they stand to the agreements we have called attention to.

But we cannot abstain from declaring already now that we cannot recognize the legality of legislative or constitutive Acts that conflict with the relations of the Duchy of Schleswig to the Kingdom of Denmark and to the other parts of the Monarchy as established by the Agreements of 1851 and 1852. We protest, on the other hand, expressly against all inferences which might be drawn from such Acts, and reserve to Prussia and the Germanic Confederation all rights founded on the aforesaid Agreements.

You are requested to read this communication to the Danish Minister for Foreign Affairs and to leave him a copy.

No. 197.

Earl Russell to Mr. Howard.

Sir, *Foreign Office, March* 5, 1862.

WITH reference to your despatch of the 1st instant, reporting what Count Platen had said to you respecting the joint communication which the Austrian and Prussian Governments have addressed to the Danish Government relative to the Schleswig Holstein question, I have to instruct you to ask Count Platen to explain what his views are upon this subject.

I inclose, for your information, copies of a despatch which I have received from Her Majesty's Minister at Berlin, and of one that I have addressed to him in reply, relative to the Danish Duchies question.*

I am, &c.
(Signed) RUSSELL.

No. 198.

Mr. Paget to Earl Russell.—(Received March 10.)

My Lord, *Copenhagen, March* 4, 1862.

I HOPE, in the course of a few days, to be able to give your Lordship some precise information respecting the answer which the Danish Government will send to the despatches from Austria and Prussia delivered on the 21st of February.

In the meantime I will briefly report to your Lordship the views which I have thought it best to advocate in the conversations I have had with M. Hall on the subject.

Notwithstanding the vain efforts to realize the basis of 1851 and 1852, the Danish Government could not, it seems to me, repudiate it without danger, when called upon, as they now are, to pronounce themselves. The danger would be, as is very clearly pointed out by Lord Augustus Loftus, that Germany would then insist upon reverting to the state of things before 1846, namely, absolute government. M. Hall has, moreover, frequently asserted that it was not at all his object to raise up a barrier which should prevent the possibility of Holstein joining at some future time in a common Representation and Constitution; and, so long as the basis of 1851 and 1852 is not formally renounced, this possibility may always exist. But it is clear that the whole administration of the Danish Monarchy cannot be entirely dependent upon the realization of this particular basis: the efforts of the Danish Government to build practical measures upon it have failed; they have, therefore, been obliged to work in another direction, and, in doing so, they have acted in accordance with the Decrees of the Diet. These measures have been declared as provisional, but, of course, they must have effect so long as they are not replaced by others. If, however, the German Governments will communicate their views as to how a constitutional union of the different parts of the Monarchy could be effected, the Danish Government would be prepared to give these views their best consideration. I told M. Hall that I thought if a despatch was written in the above sense it could not but be beneficial to the position of Denmark. It would have the effect of proving to Europe that the Danish Government were willing, if possible, to fulfil to the very letter the engagements into which they had entered; that, if they had latterly adopted another line, they had been forced into it, in order that the whole machinery of Government should not come to a dead-lock; and that if the German Governments either refused to give any opinion as to the realization of the basis to which they held, or propounded such views as were incompatible with the interests of the other parts of the Monarchy, the position of the Danish Government could not but be improved by the offer they had made.

M. Hall did not give me any positive answer as to whether he would act upon these suggestions, but I have reason to hope he will give them his consideration.

I have, &c.
(Signed) A. PAGET.

P.S.—The adoption of the above line of argument would, as it appears to me, have the additional advantage of enabling the Danish Government to avoid making any direct reply respecting what passed in 1860.

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* Nos. 188 and 197.

No. 199.

Mr. Paget to Earl Russell.—(*Received March* 10.)

My Lord, *Copenhagen, March* 6, 1862.

THE messenger Schmock arrived on the 4th instant, and I read to M. Hall, on that day, your Lordship's despatch of the 26th ultimo, and made use of every argument I could think of in support of the policy which your Lordship urges the Danish Government to adopt.

I was in some hopes that the interview would not be without satisfactory results.

M. Hall could not deny the logic of your Lordship's reasoning respecting the right of petition, and I pressed him very strongly to concede this point at once, as well as the right of meeting and liberty of the Press. I said if the Danish Government would grant these liberties immediately, and accompany them with a positive declaration that the question of languages, and any other matters of complaint, should be regulated by the Diet of Schleswig, it could not fail to produce the most favourable impression in Europe as to the honest dealing of the Danish Government, and they would thereby strengthen the hands of those who were anxious to serve the Danish cause.

M. Hall assured me of his most anxious desire to act in conformity with your Lordship's view, promised to consult his colleagues on the subject at once, and to give me an answer this day. He said this in such a way that if I had not had previous experience of disappointments, I should have felt somewhat sanguine as to the issue; but I am sorry to say that the result has proved I was right in not indulging in too much expectation.

His Excellency, on my calling on him this morning, took up the old ground. He said all the points alluded to in your Lordship's despatch were part and parcel of the existing Constitution of Schleswig, and that they could not be altered but by a vote of the Schleswig Diet. He begged me to believe that his intentions in regard to this Duchy were most liberal; that he was most desirous of giving them effect with the least possible delay; and he had no objection to add, he said, that the work of remodelling the Schleswig Constitution had already been begun.

I replied that having communicated to him your Lordship's despatch, and thus put him in possession of your Lordship's views in your own words, and having already supported those views to the best of my ability, it would be idle to think that anything I could now add would alter the decision he had come to. I could only say that I trusted that in the revision of the Constitution every precaution would be taken to give full effect to the principle of complete equality and independence of the two nationalities.

I have, &c.

(Signed) A. PAGET.

No. 200.

Mr. Paget to Earl Russell.—(*Received March* 10.)

My Lord, *Copenhagen, March* 6, 1862.

M. HALL informed me this morning that the answer to the Austrian and Prussian despatches would probably be prepared and sent off by the beginning of next week. He said, in reply to my inquiries, that it would be moderate in tone, and in substance would declare that the Danish Government had no intention whatever of repudiating any of their engagements, and consequently not those of 1851 and 1852; but that they could not accept the interpretation of Germany as a sort of supreme Decree as to the manner in which these engagements were to be executed. The despatch will further point out that the Danish Government is not responsible for the failure of the attempts to realize the basis of 1851-52; and will, moreover, draw attention to the inconsistency between the language of the German Governments now, respecting a common Constitution, and what it was at the time when the intention of the King to establish such an order of things was originally announced to Austria and Prussia. At that time these Governments expressed themselves to the effect that the establishment of the common Constitution would not be contrary to the views of the German Powers; now they insist upon it as the solution, *sine quâ non*, of the difficulties. Finally, it will be said that it is impossible for the Danish Government to comply with the views of Germany if Germany is always putting impediments in the way.

I cannot, of course, pretend that the above sketch will be found in complete accordance with the text of the despatch when it is drawn up, but I believe it to be correct so far as I was informed respecting it by M. Hall this morning.

I asked his Excellency if he would not address a direct invitation to the German Governments to declare what were their views respecting the establishment of a common Constitution; but for some reason, the force of which I have failed to see, his Excellency does not appear inclined to adopt this course. After the admission made by Count Bernstorff as to the only terms which would be deemed satisfactory by Prussia, there could, of course, be but little hope that such an application would be attended with any satisfactory result; but, in the difficult circumstances in which the Danish Government now is, it appears to me that they should omit nothing which could place them in a more favourable position in Europe.

I did not fail to impress on M. Hall the importance which Her Majesty's Government attach to the answer of the Danish Government being such as to admit of a continuance of the negotiations.

I have, &c.
(Signed) A. PAGET.

No. 201.

Mr. Paget to Earl Russell.—(*Received March* 10.)

My Lord, *Copenhagen, March* 6, 1862.

WITH respect to the Austrian and Prussian despatches of the 14th of February, M. Hall has told me it would be impossible not to notice them more than by a simple acknowledgment, whatever might be the fate of the measures now before the Committee of the Rigsraad, because these despatches protested not only against any modifications in the present Constitution, but against the existence of the Rigsraad itself. The reply, however, would be very short, his Excellency said, and as moderate in tone as the circumstance which called for it would admit of.

I have, &c.
(Signed) A. PAGET.

No. 202.

Lord A. Loftus to Earl Russell.—(*Received March* 10.)

My Lord, *Berlin, March* 8. 1862.

I READ to Count Bernstorff on the 4th instant your Lordship's despatch of the 26th ultimo, relative to the negotiations between Germany and Denmark on the affairs of Schleswig, in which your Lordship states, with reference to the project for the partition of Schleswig, to which Count Bernstorff had so constantly alluded, that it seems premature to discuss that project until the Danish Government had replied to the late communications of Austria and Prussia, and that if Denmark could give adequate security for the fulfilment of her engagements of 1851 and 1852 it would be unnecessary to discuss other projects not comprised in those engagements.

Count Bernstorff, in reply to an observation of mine, stated that the reference in the German notes to the opinions expressed by Denmark in 1860-61 had been invoked by the mention of them in the last Danish reply, and that the Austrian and Prussian Governments had merely taken up the ground reverted to by the Danish Cabinet. With reference to the question of the partition of Schleswig, Count Bernstorff told me that he had reason to know that Prince Gortchakoff had expressed himself as being not opposed to it if it should be adopted by the other Powers.

Under present circumstances I shall abstain from reverting to the subject with Count Bernstorff until the result of the direct negotiations between the German Powers and Denmark shall be more clearly ascertained.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 203.

Lord A. Loftus to Earl Russell.—(Received March 10.)

My Lord, *Berlin, March 8, 1862.*

THE Berlin papers have published the protest of MM. Thomsen and Hansen, two Schleswig members of the Danish Reichsrath, against the validity of that Assembly.

As this document is endorsed by a majority of the Schleswig "States," the step so taken amounts to a declaration on the part of that body that in their opinion the Reichsrath, curtailed as it is by the withdrawal from it of Holstein and Lauenburg, has no longer a legal existence, and further, as your Lordship will perceive by a reference to the inclosed, that the attempt to include within the Reichsrath (to the exclusion of the other portions of the Monarchy) the Duchy of Schleswig and the Kingdom of Denmark is tantamount to an incorporation of the Duchy into the Kingdom.

Thinking it probable that this protest may have found its way into the German papers earlier than in those published at Copenhagen, and seeing the importance of the document, I have thought it right to transmit a copy of it to your Lordship, together with a short account of its contents, drawn up by M. Morier.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 203.

Memorandum respecting the Protest of Schleswig Members in the Danish Reichsrath.

THE "Berlin Allgemeine Zeitung" publishes the protest of MM. Thomsen and Hansen, two Schleswig members of the Danish Reichsrath, against the legality of that Assembly, in so far as the Duchy of Schleswig is concerned, and their declaration that owing to this illegality they decline to attend the meetings of the Reichsrath at present assembled.

It may be worth while to call to mind that, according to the "Common Constitution" of 1855, the Duchy of Schleswig was to furnish thirteen members to the Great Council of the monarchy, of whom three were to be named by the King, five by direct election, and five by the "States."

Of the members belonging to the latter categories, who represented the German interests of the Duchy, a part seceded from the Reichsrath as early as 1856, after protesting against the legality of the Reichsrath on the plea of the Draft of its Constitution not having been submitted to the "States" of the Duchies of Schleswig, Holstein, and Lauenburg. The Danish party taking advantage of this secession elected members in the room of the secessionists favourable to the Danish cause. The result is, that of the thirteen Schleswig members with seats in the Reichsrath, the three named by the King, and eight of those named by the country, in all eleven, belong to the Danish party.

MM. Thomsen and Hansen are the only representatives left of the German party.

The present protest being countersigned by the majority of the Schleswig "States" amounts to a declaration on the part of that Assembly that they consider the Reichsrath in its extension to Schleswig as illegal and as equivalent to an incorporation of the Duchy into the kingdom.

The following is the substance of the Protest:—

After referring to the engagements taken by the King, in the Proclamation of the 20th of January, 1852, not to incorporate the Duchy of Schleswig into the Kingdom of Denmark, and to secure an equality of position and of rights to the several countries constituting the monarchy, it recapitulates the several steps taken until the Proclamation of the "Common Constitution" of 1855, and examines the Electoral Law connected with that Constitution, commenting upon the expedients had recourse to in order to secure a Danish majority in the Reichsrath.

It then proceeds as follows:—

"The only guarantee which, in presence of the above facts, Schleswig and its German inhabitants could have against being totally swamped in the Reichsrath consisted in the support afforded by the Members for Holstein and Lauenburg. By the Patent of the 6th of November, 1858, the 'Common Constitution' of 2nd October, 1855, was abrogated, as regards Holstein and Lauenburg; and according to the universal principles of law that constitution thereby ceased altogether to exist. A 'Reichsrath' and 'Common Affairs' for the Kingdom of Denmark and the Duchy of Schleswig have no constitutional existence, and the creation of such a Constitution, or the alteration of the Constitution

of the 2nd October, 1855, in the sense that it should become a constitution for the 'Common Affairs' of the kingdom and of Schleswig, must be considered as equivalent to an incorporation of this Duchy into the Kingdom of Denmark, and be looked upon as in contradiction with the promises of the King, viz., with those contained in His Majesty's Declaration of the 28th January, 1852.

"In consideration of the above we are unable to comply with the invitation to appear in the now assembled Reichsrath, as we look upon ourselves, constitutionally, only as Members of a Reichsrath framed according to the Constitution of the 2nd of October, 1855, for the entire monarchy, *i.e.*, including Denmark, Schleswig, Holstein, and Lauenburg; and in protesting generally against the competence of the Reichsrath now assembled, we specially protest against the validity of any decisions the same may arrive at, or have already arrived at, in reference to the Duchy of Schleswig."

No. 204.

Mr. Paget to Earl Russell.—(*Received March* 12.)

My Lord, *Copenhagen, March* 8, 1862.

WITH reference to your Lordship's despatch of the 12th of February, directing me to inquire and report the tendency of the proposed reforms for Schleswig, I have the honour to inform your Lordship that having questioned M. Hall upon this subject his Excellency's reply was, that it was not the intention of the Danish Government to give an undue preponderance to the Danish element in that Duchy. It is the German element, his Excellency said, which now has this undue preponderance, and the object which the Government would have in view by the new measures would be to arrive at a fair representation of the feelings of the country. Without having recourse to universal suffrage this end could be attained. He believed, he said, that the new franchise would still leave the German element in the majority; the equestrian order and large landed proprietors would still be able to exercise influence, a legitimate influence, but it was desirable that their Schleswig-Holstein principles should not always predominate.

I have, &c.
(Signed) A. PAGET.

No. 205.

Earl Russell to Mr. Paget.

Sir, *Foreign Office, March* 12, 1862.

I HAVE received and laid before the Queen your despatch of the 4th instant, reporting a conversation with M. Hall on the subject of the answer to be returned by Denmark to the recent communications of the Austrian and Prussian Governments on the Schleswig-Holstein question; and I have to state to you that Her Majesty's Government approve the language which you held to M. Hall on that occasion.

I am, &c.
(Signed) RUSSELL.

No. 206.

Earl Russell to Mr. Paget.

Sir, *Foreign Office, March* 14, 1862.

HER Majesty's Government have learnt with great concern that your representations to M. Hall, on the question of Schleswig, have not produced any effect.

It is clear that the King of Denmark promised Austria and Prussia to treat the Danish and German inhabitants of Schleswig without distinction of nationality.

It is also clear that, with regard to their churches and schools, the Germans in Schleswig have not the advantages enjoyed by the Danes.

Nor with regard to the liberty of petition and the liberty of the press have the German inhabitants of Schleswig the same privileges as those which are granted to the Danes of the kingdom. They are not ruled with the same equal and impartial hand.

When you urged that, at least, the liberty of meeting, of petitioning, and of the press, should be granted in Schleswig as they have been in Denmark, M. Hall, after deliberation,

said to you that all the points mentioned in my despatch "were part and parcel of the existing Constitution of Schleswig, and that they could not be altered but by a vote of the Schleswig Diet."

This answer is unsatisfactory. If the Schleswig Diet were assembled, and these changes proposed to them, there can scarcely be a doubt that they would accept with joy such additions to their liberties. But it is alleged that the Danish Government wish, before granting these privileges, to change the Constitution of Schleswig: a task full of difficulty and danger.

It is obvious that if the Government of Denmark cannot fulfil the promises the King has made, they will have to consider the alternative proposed by Prussia, namely, that Schleswig should have the separate powers to be granted to Holstein, or that the Duchy of Schleswig should be divided into North and South.

These are not the propositions of Her Majesty's Government: grave objections exist to the adoption of either; but if Denmark will not fully and freely fulfil her promises, she may be driven to embrace one of these two alternatives.

You will give M. Hall a copy of this despatch, if he should desire it.

I am, &c.
(Signed) RUSSELL.

No. 207.

Mr. Jerningham to Earl Russell.—(*Received March* 14.)

My Lord, *Stockholm, March* 5, 1862.

HAVING recently taken occasion to remark to Count Manderström that Her Majesty's Government considered Denmark equally bound in honour by her promises as by her Treaty engagements respecting Holstein and Schleswig, his Excellency told me that he understood the Danish Government were about to draw up a statement of what they considered to be the real nature and degree of their engagements towards Germany regarding the Duchies.

He also observed, that the Prussian Government seemed disposed to argue that the attendance of Schleswig deputies in the Danish Parliament constituted an incorporation of that Duchy with Denmark, particularly as no Holstein deputies attended; which reasoning he considered doubly illogical, since Schleswig still possessed a separate Diet, as well as separate laws, and since it was Holstein's fault if she had not sent deputies to Copenhagen.

I have, &c.
(Signed) G. S. S. JERNINGHAM.

No. 208.

Lord Napier to Earl Russell.—(*Received March* 15.)

My Lord, *St. Petersburgh, March* 7, 1862.

PRINCE GORTCHAKOFF had yesterday the goodness to show me a despatch from Baron Brunnow, under date of the $\frac{1}{2}\frac{2}{4}$th of February, respecting the Schleswig-Holstein question. The Russian Ambassador remarks that the present conjuncture, while the action of Germany is, as it were, suspended by the controversies between Austria and Prussia, offers an excellent opportunity for the Cabinet of Denmark to make a spontaneous settlement of this question, by affording satisfaction both to the German Duchies and to Schleswig.

Prince Gortchakoff concurs in this opinion, which meets the views of Her Majesty's Government, and which is consistent with the sentiments already expressed in his despatches to Stockholm and Copenhagen.

The Prince congratulates himself most heartily on the identity of opinions spontaneously and contemporaneously expressed by your Lordship and himself on this subject, and desires to go hand in hand with Her Majesty's Government in any representations which it may be thought desirable to make to the Government of Denmark. His Excellency does not, however, entertain much hope that the spontaneous action of the Danish Government will respond to our united good wishes, for the whole question is much implicated in party politics, and affected by the Danish press.

I have, &c.
(Signed) NAPIER.

No. 209.

Lord Bloomfield to Earl Russell.—(*Received March* 17.)

(Extract.) *Vienna, March* 13, 1862.

WITH reference to the eventuality of a possible partition of Schleswig, I have taken the opportunity of speaking on this point to Count Rechberg, with a view to discovering his opinion respecting it; and I read to his Excellency your despatch to Her Majesty's Minister at Berlin of the 26th ultimo.

He seemed surprised to find that the question of the partition of Schleswig had been mooted at all by Count Bernstorff; and he gave me to understand that the Prussian Government had made no communication here on the subject.

It may be possible that Count Bernstorff has purposely alluded to it in his conversations with the English and French Ministers as evidence of his conciliatory disposition; but so long as the project has not been mentioned at Vienna, I can hardly imagine that it is seriously entertained at Berlin.

It may also be remarked that, up to the present time, Germany has always repudiated the idea of a partition of the Duchy. Should, however, Prussia be really favourable to the project, I apprehend that Austria would willingly agree to it, or to any arrangement which offered a chance of setting aside the danger of war in the North of Europe.

No. 210.

Earl Russell to Lord Bloomfield.

My Lord, *Foreign Office, March* 17, 1862.

COUNT APPONYI has communicated to me the instructions which have been addressed by Count Rechberg to the Austrian Minister at Copenhagen, relative to the propositions on the Schleswig-Holstein question which were laid before the Rigsraad by the Danish Government on the 25th of January.

It is not easy to understand from the translation of the instructions sent by the Austrian and Prussian Governments to their Ministers at Copenhagen, what the precise object is which they have in view. But, coupled with the despatches which have recently been addressed by Count Bernstorff to M. de Balan, Her Majesty's Government is led to fear that some claim may be advanced by these German Powers, when Holstein may be separated from the control of the Rigsraad, themselves to exercise, through the vote of the Holstein States, a control over the whole Constitution of Denmark.

Is it intended that Holstein and Schleswig shall each have a separate veto on all the proceedings of the Danish Parliament? If this is not intended, what is the meaning of the proposal? Is it to be understood that Austria would be satisfied if Holstein and Schleswig were represented in the Rigsraad in the proportion of their population, or if Schleswig were to have a Constitution like that of Holstein?

I am, &c.

(Signed) RUSSELL.

No. 211.

Sir A. Malet to Earl Russell.—(*Received March* 18.)

My Lord, *Frankfort, March* 15, 1862.

IN the sitting of the Diet on Thursday the 13th instant, M. von der Pfordten presented a report on behalf of the joint Committees for the affairs of the Danish Duchies, proposing that the Diet should sanction all the steps taken with the Danish Government in the affairs of Schleswig, by Austria and Prussia, since the month of August 1860.

The Danish Minister, I learn, protested against the Diet's entertaining a question in which that Body is incompetent, and reserved all the rights of his Government: but the Report was received and the Members of the Diet will refer the question to their Governments, and the proposition was fixed to be voted in a fortnight.

This question is, as your Lordship will not fail to perceive, of great importance, inasmuch as it tends to involve the Confederation in the difference hitherto pending between Denmark and the two great German Powers in their independent capacity, and to revive the contested right of the Diet to intervene in the affairs of Schleswig.

I have reason to think it has been provoked by those Powers, as a means of putting a stress on the Danish Government, which it was thought unduly delayed replying to the last demands of Austria and Prussia as to the mode in which Denmark had satisfied the engagements of 1852.

In the meanwhile I learn that the Danish Cabinet has now sent a reply to those demands, and it may perhaps depend on the nature of that reply whether this attempt to bring the Diet into the dispute will be pressed or not.

I have, &c.
(Signed) A. MALET.

No. 212.

M. Hall to M. de Bille.—(*Communicated to Earl Russell by M. de Bille, March* 18.)

Monsieur, *Copenhague, le* 12 *Mars*, 1862.

VOUS verrez du rapport ci-joint en copie de M. de Bulow avec combien de raison le Gouvernement du Roi s'est toujours opposé à l'extension des négociations pendantes avec les deux grandes Cours Allemandes à la question de savoir quels engagements le Gouvernement Danois aurait pris en 1851 à l'égard du Slesvig et à quel point ces engagements ont été remplis. Nous ne voulons pas écarter une discussion de ce sujet, tout oiseuse qu'elle soit d'ailleurs selon nous; mais nous nous opposons à ce qu'elle soit confondu avec des négociations relatives à un pays appartenant à la Confédération, parceque nous avons appris par l'expérience combien il est dangereux de ne pas poser en toute occasion et de la manière la plus stricte les limites de la compétence Fédérale de la Diète Germanique. Nos prévisions se réalisent déjà. La Prusse et l'Autriche soumettent à présent leurs dépêches à l'approbation à Francfort, surtout pour ce qui regarde leur tentative de faire entrer le Slesvig dans la discussion; et elle s'adresse non pas à la Diète, qui à la rigueur pourrait être considérée comme le possesseur de ces droits prétendus internationaux, mais aux Comités réunis qui n'ont de mandat que pour l'affaire Holsteinoise. Cette démarche prouve donc plus que toute déduction de ma part la confusion que l'Allemagne s'attache continuellement à maintenir pour ces deux questions d'une nature parfaitement différente. Et il n'y a certainement pas d'exagération ou de subtilité dans cette appréciation. Saisir le Comité Holsteinois et celui d'Exécution de ces prétentions soi-disant internationales sur le Slesvig, c'est réellement de la part de la Prusse et de l'Autriche une tentative de faire dépendre le réglement d'une affaire Fédérale de la solution d'une question étrangère; c'est ouvrir la perspective d'une Exécution dans le Holstein qui n'aurait pour but que de servir les projets Allemands à l'égard du Slesvig; c'est étendre l'action Fédérale aux affaires intérieures de toutes les parties de la Monarchie Danoise, et c'est non pas même assigner à la Monarchie Danoise entière la place d'un Membre de la Confédération, mais la réduire tout simplement à la condition d'un territoire vassal de l'Allemagne.

Quant à cette protestation du 14 Février que les Comités réunis approuveraient sans doute, elle est, vous le savez, un pur prétexte. Le Roi dans son discours du Trône déclare vouloir donner du développement aux institutions provinciales du Slesvig. Est-ce là une preuve de son intention de vouloir ôter au Duché sa position de province douée d'une Administration et d'une Représentation speciales pour les affaires provinciales? Et l'exclusion du Holstein de la Constitution commune, c'est uniquement l'œuvre de la Confédération, et la position du Slesvig et du Royaume, comme formant un ensemble constitutionnel, ne peut avoir été atteinte par cet acte d'autorité de la Diète. Un développement du Conseil Suprême pour le Royaume et le Slesvig qui ne déplacerait en aucune façon les limites de sa compétence vis-à-vis des affaires spéciales ne pourrait donc en rien donner lieu à une protestation quelconque; mais celle-ci devient doublement futile lorsque le projet de modification de la Constitution n'a pas même revêtu la forme d'une loi. Vous savez déjà, Monsieur, que le Gouvernement n'attache pas assez d'importance à ce projet pour insister fortement sur son adoption par le Conseil, dont plusieurs membres ont exprimé, à ce sujet, des doutes de différente nature. La section 37 de la Constitution a été modifié dans le sens que j'ai déjà expliqué dans une autre dépêche, mais même sous un point de vue tout Allemand il parait ridicule de blâmer une modification qui n'est pas même un changement du sens originaire de l'Article.

Peut-être le Ministre des Affaires Etrangères a déjà eu connaissance de cette démarche caractéristique, et je vous prie donc, Monsieur, de vous énoncer vis-à-vis de lui dans le sens indiqué.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, March* 12, 1862.

YOU will see from the inclosed copy of the Report of M. de Bulow with what reason the Government of the King has always been opposed to the extension of the

negotiations, pending with the two great German Courts, to the question of ascertaining what engagements the Danish Government entered into in 1851 with regard to Schleswig, and how far these engagements have been fulfilled. We do not wish to avoid a discussion on this subject, however idle it may be in our opinion; but we are opposed to its being mixed up with negotiations relative to a country belonging to the Confederation, because we have learnt by experience how dangerous it is not to lay down on every occasion, and in the strictest manner, the limits of the Federal competence of the Germanic Diet. Our anticipations are already being realized. Prussia and Austria now submit their despatches for approval at Frankfort, especially what relates to their attempt to introduce Schleswig into the discussion; and they address themselves not to the Diet, which strictly speaking might be considered the possessor of these pretended international rights, but to the united Committees, which have no authority but for the Holstein affair. This step then proves more than any reasoning on my part the confusion which Germany is continually striving to maintain in these two questions of a perfectly different nature. And there is certainly neither exaggeration nor subtlety in this appreciation. To engage the Holstein and the Executive Committees upon these so-called international pretensions respecting Schleswig, is in reality an attempt on the part of Prussia and Austria to make the regulation of a Federal affair depend upon the settlement of a foreign question; it is to open the perspective of an Execution in Holstein with the sole object of assisting the German projects with regard to Schleswig; it is to extend the Federal action to the interior affairs of all the parts of the Danish Monarchy, and it is to assign to the entire Danish Monarchy not even the place of a Member of the Confederation, but to reduce it simply to the condition of a territorial vassal of Germany.

As to the protest of the 14th February which the united Committees would doubtless approve, it is, as you know, a mere pretext. The King, in his Speech from the Throne, declares his wish to develop the provincial institutions of Schleswig. Is this a proof of his intention to deprive the Duchy of its position as a province possessed of a special administration, and of a special representation for provincial affairs? Not only is the exclusion of Holstein from the common Constitution solely the work of the Confederation, but the position of Schleswig and the kingdom, as forming a constitutional whole, cannot have been injured by this act of authority of the Diet. A development of the Supreme Council for the kingdom and Schleswig, which would in no way alter the limits of its competence in regard to special affairs, could not therefore in any way give cause for any kind of protest; but this latter becomes doubly futile when the project of modification of the Constitution has not even assumed the form of a law. You already know, Sir, that the Government does not attach sufficient importance to this project to insist strongly on its adoption by the Council, several members of which have expressed on this subject doubts of different descriptions. The 37th Section of the Constitution has been modified in the sense I have already explained in another despatch, but even from a wholly German point of view it appears ridiculous to blame a modification which is not even an alteration of the original sense of the Article.

Perhaps the Minister for Foreign Affairs has already been made acquainted with this characteristic step, and I therefore request you, Sir, to express yourself to him in the sense I have pointed out.

I have, &c.
(Signed) C. HALL.

Inclosure in No. 212.

M. de Bulow to M. Hall.

(Translation.) *Frankfort, March* 8, 1862.

I CONSIDER it as certain, from various informations I have been able to collect, that Austria and Prussia have briefly laid before the "United Committees" the despatches which, up to the present time, have been exchanged in the so-called international negotiations, and that the Committees have the intention to report, without delay, to the Diet on the present state of the negotiation. I am not able to say whether any particular propositions will be made in their report. It appears to me, nevertheless, probable that the Committees will avail themselves of the mention made of Schleswig in those despatches to support energetically the views expressed by Prussia; that is to say, declare it to be also their opinion that His Majesty's Government had entered into engagements with the Confederation of quite a different character, in reference to the non-incorporation of Schleswig; that these engagements constituted the groundwork of the Federal Resolution of July 29, 1852; and that a regular development of the common Constitution for Schleswig and the Kingdom

after that Constitution had been abrogated for Holstein and Lauenburg would be equivalent to an incorporation, and therefore involve a violation of the rights acquired, and which were to be maintained by the Confederation.

The Committees will conclude their report by proposing to join in the protest of the two German Powers of February 14, and to await further communications before taking any ulterior steps.

I cannot, of course, as yet say whether such will be the exact tenor of the report. I regard it, however, as certain that such is the leading idea, and that the German Governments entertain the belief that, if the non-accomplishment of the Agreements of 1851 and 1852 could be proved, their participation in the Protocol of London would cease to be of any binding effect on them.

This view of the question is the more important, partly from the general political state of Germany, which renders an action in our question desirable ; partly from the approaching conclusion of our financial year, and the suspension of the threatened Federal Execution which has been decreed for that period ; as also, and particularly, from the circumstance that all the German Envoys proceed on the presumption that the non-German Powers do not approve the conduct of His Majesty's Government in reference to Schleswig, and would not regard a Federal Execution, and all the consequences it might entail, as constituting an European affair.

As far as I have been able to learn, the Representatives of those Powers have not, however, lately received any instructions in the sense presumed by my German colleagues.

Even those who judge generally more calmly in this matter, adopt now the opinion that the alteration made in § 37 (of the Common Constitution), which was at first regarded and spoken of as only a simple amendment of a parliamentary rule, contains a transgression of what, according to the German view, constitutes the competency of the Rigsraad, and to be, in fact, the commencement of an incorporation. I presume, therefore, that the two German Powers have caused the matter to be represented in that light.

No. 213.

Mr. Paget to Earl Russell.—(Received March 22.)

My Lord, *Copenhagen, March 18, 1862.*

IT would be a source of great satisfaction to me if I were able to state that M. Hall's decision respecting the affairs of Schleswig had been altered by the communication which I have made to him, this day, of your Lordship's despatch of the 14th instant. Such is unfortunately not the case.

The first remark made by M, Hall when I had ended reading the despatch was, that he did not know how your Lordship could mix up the questions respecting the liberty of the press, the right of petition and of meeting, with the promises made to Austria and Prussia in 1851 and 1852. These matters were not mentioned, he said, in any of the despatches or documents of the period, neither were the regulations respecting the schools and churches mentioned, for they had been previously established in 1850. I said there was no confusion whatever in this.

Your Lordship spoke in the beginning of the despatch of the promises made by Denmark to treat the German and Danish inhabitants without distinction of nationality, and you referred to the regulations respecting the churches and schools, the laws on the press, meeting, and petition, as a proof that the promise above alluded to had not been fulfilled.

M. Hall defended the church and the school system as perfectly equitable and just. With regard to the churches, he said Divine service was performed in both languages alternately ; to which I replied that the justice of this appeared to me to depend upon the fact whether the nationalities were really equally divided. His Excellency repeated, however, with respect to these matters, as well as the others alluded to by your Lordship, that they were regulated by the Schleswig Constitution, and that this Constitution could not be changed without the consent of the Schleswig Diet. Could any one, he asked, advise the Danish Government to convoke the Diet at the present moment ? A specimen had recently been given, he said, of the spirit of hostility by which the majority of its members were animated (he here alluded to the protest against the Rigsraad, a translation of which I forwarded in my despatch of the 10th instant) ; what good result, therefore, was likely to attend its convocation? If any part of the Constitution were touched, M. Hall continued, in any but a regular and legal manner, the whole would be upset ("culbuté"). The Government could not make a *coup d'état*. Besides,

he added, what guarantee is there that if the changes now urged upon the Danish Government are carried into effect they would not be called upon to do more? One concession would lead to another, and at last they would be urged to comply entirely with the demands of Germany. The view of Germany and its partizans in the Duchies were a reunion of Schleswig and Holstein, and to this Denmark would never agree until obliged to yield to superior force.

In regard to the first part of M. Hall's reply, I referred to the following passage of your Lordship's despatch :—"If the Schleswig Diet were assembled, and these changes proposed to them, there can scarcely be a doubt they would accept with joy such additions to their liberties." I said it sounded very formidable to speak of a *coup d'état*, but did the policy now recommended by your Lordship amount to anything of the sort? A *coup d'état*, I said, was the suppression of a Constitution, and not its extension in a liberal sense. As an instance of the evil effect of the restraint on the press I alluded to the very incident mentioned by his Excellency, viz., the protest signed by the members of the Schleswig Diet against the Rigsraad, and its having been sent to the Berlin newspapers, for which I said there could be no excuse if the press in Schleswig had been free, but which now would be justified by the impossibility of publication in the Duchy. I continued, that I perfectly understood the apprehension felt by the Danish Government at the intrigues of the Schleswig-Holstein party, and their determination to resist any measures which should have a tendency to effect the political reunion of those two Duchies; but I could not understand, I said, how he could have any fear that Her Majesty's Government would ever be a party to such demands; and I referred his Excellency to all your Lordship's published despatches as the best guarantee that Her Majesty's Government was entirely opposed to any such projects. The measures now advised would, I said, simply have for effect the accomplishment of what the King of Denmark had himself promised. I warned M. Hall, by further reference to your Lordship's despatch, of what the consequences of refusal or delay might be, and I put it to his Excellency whether after rejecting the advice of Her Majesty's Government he could expect from them the same support as if he had adopted their counsels.

M. Hall replied that he was most anxious to act in accordance with your Lordship's advice, but said that circumstances were such it was impossible for him to do so at present. A step had just been taken, he said, by Austria and Prussia, at the Diet, which was of the gravest possible nature. The Representatives of these Powers had, as I was probably already aware, proposed to the United Committee that the Diet should recognize the negotiations with Denmark, and should join in the protest, in the despatches of the 14th of February, against the existence of the Rigsraad for Denmark and Schleswig.

Further proceedings on the proposal had been postponed for a fortnight, his Excellency said; but if it was adopted, as of course it would be, it would be the first overt act on the part of the Diet in the affairs of Schleswig. The incident obtained additional importance from the fact of the proposition having been made to the United Committee instead of to the Diet itself, the object of which evidently was, as the Committee was exclusively for the affairs of Holstein and Execution, to give the present negotiations a federal instead of an international character, to bring Schleswig within the competency of the Confederation, and to enable the Diet to carry out their views on that Duchy under the guise of Federal Execution.

M. de Bülow, the Danish Minister at Frankfort, had, M. Hall said, protested, at the time of the proposition being made, against the competency of the Diet to occupy itself in any way respecting the affairs of Schleswig in a Federal capacity, and this protest would be renewed on the proposal coming before the Diet. If the Diet ultimately proceeded to hostile measures in consequence of the present proposition, such measures could not be regarded by Denmark as having any Federal character, but as war.

With reference, therefore, to the measures now suggested by Her Majesty's Government, M. Hall said he must decline giving any other answer than that the situation produced by the incident just alluded to must be cleared up before anything whatever could be done.

I said I regretted to hear this, for I believed that, whatever happened, the Danish Government could not but ameliorate their position by adopting the advice which Her Majesty's Government had given them.

I have, &c.
(Signed) A. PAGET.

No. 214.

Mr. Paget to Earl Russell.—(Received March 22.)

My Lord, *Copenhagen, March 19, 1862.*

I HAVE the honour to transmit herewith a copy of the answer of the Danish Government to the despatch from Austria and Prussia, of the 8th and 14th of February last, together with a translation of the same, for both of which I am indebted to M. Hall.

I have, &c.

(Signed) A. PAGET.

Inclosure in No. 214.

M. Hall to M. Quaade and Count Bille-Brahe.

Monsieur, *Copenhague, le 12 Mars, 1862.*

QUAND le Ministre des Affaires Etrangères d'Autriche (de Prusse), dans sa dépêche du 8 Février dernier, que vous connaissez, signale l'inutilité des récriminations mutuelles et d'une politique infructueuse, je pense entièrement comme lui, et encore je vais le prouver par le fait en m'attachant tout d'abord à faire ressortir encore une fois quel est le véritable point de départ des négociations, et quel est, par conséquent, leur but logique. Les négociations pendantes sont d'abord provoquées par les Arrêtés Fédéraux du 8 Mars, 1860, et du 7 Février, 1861. Leur objet est donc d'arriver à l'entente nécessaire sur le sens et la mise eu œuvre du régime provisoire que réclament les dits Arrêtés pour le Holstein.

Mais ces Arrêtés rappellent en même temps celui du 11 Février, 1858, qui exige que dans l'organisation définitive on assure au Holstein et au Lauenburg une position qui, en conformité avec les lois fondamentales de la Confédération et avec les engagements acceptés, garantisse spécialement l'indépendance des Constitutions particulières et de l'Administration, et les établisse dans des conditions d'égalité. Ainsi, pour répondre au vœu général, qui était d'arriver par ces négociations à aplanir la voie à une conciliation définitive et complète de cette longue discussion, il fallait évidemment que ces débats en vinssent à comprendre le but définitif lui-même. Nécessité d'autant plus urgente que nous n'avons jamais réussi à obtenir de la Diète l'indication précise de l'acceptation qu'elle entend donner à ces termes "indépendance" et "égalité de condition" des Duchés de Holstein et de Lauenburg.

Voilà quel était à nos yeux le double objet des négociations qui, avec l'agrément de la Diète Fédérale, ont été ouvertes l'été dernier, par les deux grandes Puissances Allemandes, mais dont nous attendons encore toujours le véritable commencement.

Nous croyons avoir fait un pas réel vers ce but par la proposition de notre dépêche du 26 Octobre. Cette proposition pouvait satisfaire la Confédération Germanique, car nous nous y montrions prêts à une transaction qui, selon le vœu de la Diète, garantirait aux Etats Holsteinois le vote délibératif et le droit de consentir les impôts, avec les seules réserves que le soin de la conservation de la Monarchie Danoise et le droit des autres territoires rendaient nécessaires. D'un autre côté, toute modification subséquente de cette arrangement était subordonnée au libre consentement des Etats, en sorte qu'une Constitution unitaire dans laquelle les Duchés Allemands de Holstein et de Lauenburg viendraient à rentrer—car le Gouvernement du Roi leur en laisse toujours la faculté—ne pourrait être rétablie qu'en vertu d'un accommodement avec les Etats. Qu'on appelle cet arrangement définitif ou provisoire, peu importe; car dans tous les cas il existerait une situation légale et constitutionelle, laquelle, d'un côté n'étant astreinte à aucun terme précis, de l'autre ne pouvant être changée qu'avec l'assentiment des Etats, créerait à ceux-ci la position réclamée, et d'une façon si complète que la Confédération pourrait abandonner l'affaire avec la conscience d'avoir obtenu pour les deux pays Fédéraux tout ce que dans son Arrêté du 11 Février, 1858, elle avait indiquée comme son but définitif, et de l'avoir obtenu dans la plus complète mesure, et bien au-dela de la limite du droit.

Mais au lieu de prendre en sérieuse considération les propositions de la dépêche du 26 Octobre dernier, le Ministre des Affaires Etrangères d'Autriche (de Prusse) a préféré d'écarter tout examen en nous adressant cette question: si le Gouvernement du Roi se considère encore comme lié par les déclarations faites pendant les négociations de 1852.

Bien que cette question ait dû nous surprendre, nous éprouvons pourtant quelque satisfaction à voir que le Gouvernement Autrichien (Prussien) entend de son côté ne point s'écarter de cette transaction, et des vues sur lesquelles elle était basée; car jusqu'ici il nous a souvent paru impossible, il faut l'avouer, d'accorder les exigences de la Diète de

Francfort avec la teneur de cet acte. Quant à nous il ne nous coute point de déclarer que le Gouvernement Royal remplira scrupuleusement toute obligation acceptée. Seulement ici, pas plus que dans toute autre négociation internationale, on ne saurait admettre que l'une des parties ait le droit d'attribuer à une expression quelconque des correspondances préparatoires, le caractère obligatoire qui n'appartient qu'à l'acte final qui résume et constate les engagements acceptés de part et d'autre, ni qu'elle s'arroge le privilège, dans le cas d'une divergence d'opinion sur l'esprit et la portée du pacte intervenu, d'imposer arbitrairement son interprétation à l'autre partie. C'est uniquement en ce qui concerne les affaires intérieures des territoires Fédéraux et leurs rapports avec la Confédération, que la question pendante rélève de la juridiction Diètale, et encore seulement en dedans des limites tracées par le droit Fédéral. En dehors de ce cercle, et spécialement en ce qui touche les rapports des Duchés Fédéraux avec la Monarchie Danoise, le différend constitue une question internationale, dont la solution ne saurait être obtenue que de gré à gré, par le moyen de négociations, et dans laquelle l'emploi du suprême argument international, le recours aux mesures coércitives, afin de faire valoir une interprétation arbitraire, ne saurait point revêtir le caractère d'une Exécution Fédérale.

Quand nous faisons appel ici à des maximes générales du droit public, maximes dont nul ne voudra renier le principe, c'est que la question nous a été posée d'une façon si générale qu'il n'y a pas lieu pour nous de discuter le fond même de l'arrangement convenu en 1852. Mais si l'on se propose d'engager une discussion de ce genre nous avons le droit de demander qu'on essaie au moins de montrer quels engagements nous n'aurions pas remplis ; et nous avons cette confiance dans le Gouvernement Autrichien (Prussien) qu'il ne songe pas à nous rendre responsable de l'œuvre de ces Arrêtés Fédéraux, sur lesquels la résistance des Etats Holsteinois contre toute réprésentation commune a pu s'appuyer au rebours et au mépris de la transaction de 1852, de ces Arrêtés que nous avons combattus de toutes nos forces, et que nous n'avons fini par subir que lorsque l'Exécution eut été résolue, extrémité à laquelle les intérêts de la monarchie nous défendaient de laisser venir les choses.

Mais si l'appel que l'on fait à ce qui s'est passé en 1852 est dû au moins en partie au désir d'envelopper le Duché de Slesvig dans les négociations actuelles, le Gouvernement du Roi est décidé à ne point s'y prêter, parceque dans cette affaire il s'agit de l'aplanissement d'un différend avec la Confédération Allemande relatif à un pays appartenant à la Confédération, tandisque le Duché de Slesvig ne se trouve en aucun façon soumis à la compétence Fédérale. Le Gouvernement Autrichien (Prussien) prétendrait-il néanmoins que de cette façon seulement il est possible d'arriver à une solution définitive ? Je n'aurais qu'à lui rappeler sa propre dépêche où les demandes formulées dans l'Arrêté Fédérale du 11 Février, 1858, sont qualifiées de "arrangement définitif," bien que dans cet Arrêté, non plus que dans les autres Arrêtés de la Diète relatifs à toute cette querelle, il ne fût point, et ne pût point être, question de Slesvig.

Toutefois, si nous ne pouvons pas admettre que la négociation actuelle sorte de son vrai terrain, nous ne pouvons pas d'autre part défendre au Cabinet de Vienne (Berlin) de revenir sur le point en question dans des formes exigées par le caractère de l'affaire. Nos vues à cet égard sont connues du Ministre par la correspondance de 1860 ; nous les maintenons toujours quant à leurs traits principaux, et nous n'avons aucun motif pour faire une discussion renouvelée à leur sujet. Une expression de la dépêche du 8 Février dernier me force pourtant de remarquer aujourd'hui déjà que le Ministre se trompe tout-à-fait quand il croit voir dans un passage de notre dépêche du 26 Décembre une preuve quelconque constatant que les rapports des nationalités dans l'intérieur du pays auraient été sujet des négociations de 1852.

Il me reste encore à parler de la dépêche du 14 Février dernier, qui m'a été remise en même temps que celle du 8, afin de récuser la protestation qu'elle contient. Le Ministre des Affaires Etrangères aura sans doute remarqué avec quel soin nous avons évité tout ce qui pouvait d'une façon quelconque nuire aux negociations pendantes sur le droit public du Holstein et du Lauenburg ; et s'il veut bien continuer à prêter attention aux débats du Conseil Suprême il se convaincra que le Gouvernement et le Rigsraad s'accordent pour maintenir la base donnée par la Lettre Patente du 28 Janvier, 1852, autant que l'intervention de la Confédération le leur permet. Il constatera aussi que les vœux exprimés de plusieurs côtés dans le sens de l'incorporation du Slesvig moyennant l'abolition de la Constitution particulière du Duché et l'extension de la Loi Fondamentale du Royaume n'ont trouvé d'appui ni auprès du Gouvernement ni dans le Conseil Suprême. Les inquiétudes du Ministre sont donc dépourvues de fondement. Comme enfin le Gouvernement Autrichien (Prussien) n'a aucun droit de s'ingérer dans les affaires intérieures de la Monarchie Danoise, ni de censurer les actes du Gouvernement Danois sur ce terrain, je puis me borner à declarer qu'une reconnaissance du Conseil Suprême,

qui ne représente que les pays n'appartenant point à la Confédération Germanique, n'a pas été et ne pourrait pas être demandée, précisément parceque le Rigsraad n'en a aucunement besoin.

Je crois avoir suffisament répondu à la question adressée au Gouvernement du Roi, et j'aime à penser que le Ministre des Affaires Etrangères d'Autriche (de Prusse) ne tardera plus à nous communiquer ses vues sur la proposition contenue dans la dépêche du 26 Octobre de l'année dernière, et spécialement qu'il voudra indiquer d'une façon nette et claire à quel égard cette proposition ne lui semble pas respecter l'autonomie et l'égalité de droit reclamée pour le Holstein, et quelle serait après tout la position que la Confédération entend en définitive revendiquer à ce Duché.

Je vous prie, Monsieur, de donner connaissance de cette dépêche à M. le Ministre des Affaires Etrangères et de lui en laisser copie.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, March* 12, 1862.

WHEN the Minister for Foreign Affairs of Austria (Prussia), in his despatch of the 8th of February last, of which you have cognizance, points out the uselessness of mutual recriminations and of a fruitless policy, I am entirely of his opinion; and, further, I will prove it, by first of all devoting myself to showing once more from what point the negotiations really start, and what is, in consequence, their logical object. The pending negotiations were first occasioned by the Federal Resolutions of the 8th of March, 1860, and the 7th of February, 1861. Their object, then, is to arrive at the necessary understanding on the sense and the execution of the provisional arrangement which the said Resolutions claim for Holstein.

But these Resolutions at the same time recall that of the 11th of February, 1858, which requires that in the definitive organization a position should be assured to Holstein and Lauenburg which, in conformity with the Fundamental Laws of the Confederation and with the engagements which have been entered into, shall guarantee especially the independence of the particular Constitutions and of the Administration, and place them on an equal footing. Thus, to meet the general wish, which was to succeed by these negotiations in smoothing the way to a definite and complete settlement of this long discussion, it was evidently necessary that these debates should come to the consideration of the definitive object itself: a necessity so much the more urgent since we have never succeeded in obtaining from the Diet the precise indication of the meaning which it intends to give to these terms—"independence and equality of condition" of the Duchies of Holstein and Lauenburg.

This then, in our eyes, was the double object of the negotiations which, with the consent of the Federal Diet, were opened last summer by the two Great German Powers, but the real commencement of which we are still waiting for.

We think we made a real step towards this object by the proposition contained in our despatch of the 26th of October. This proposition might satisfy the Germanic Confederation, for we thereby showed ourselves ready for an agreement which, according to the wish of the Diet, would guarantee to the States of Holstein the deliberative vote and the right of assenting to the taxes, with such reservations only as regard for the preservation of the Danish Monarchy, and the right of the other territories, rendered necessary. On the other hand, every subsequent modification of this arrangement was made subject to the free consent of the States; so that one single Constitution in which the German Duchies of Holstein and Lauenburg would be included—for the Government of the King always leaves them the power so to do—could only be re-established by means of an accommodation with the States. It signifies little whether this arrangement is called definitive or provisional, for in any case a legal and constitutional state of things would exist, which, being limited on the one side to no precise term, and on the other being only changeable with the consent of the States, would create for them the position claimed; and this in so complete a manner that the Confederation could give up the affair with the consciousness of having obtained for the two Federal countries everything that it had pointed out in its Resolution of the 11th of February, 1858, as its definitive object, and of having obtained this in the most complete manner, and far beyond the limits of right.

But instead of taking into serious consideration the propositions of the despatch of the 26th of October last, the Minister for Foreign Affairs of Austria (Prussia) has preferred to evade all examination of them by addressing to us this question:—Do the Government of the King still consider themselves bound by the declarations made during the negotiations of 1852?

Much as this question must have surprised us, we yet feel some satisfaction in seeing that the Austrian (Prussian) Government do not mean to withdraw from this transaction, and from the views on which it was based; for hitherto it has often appeared to us impossible, we must own, to reconcile the demands of the Diet of Frankfort with the tenour of this Act. As far as we are concerned we have no hesitation in declaring that the Royal Government will scrupulously fulfil every obligation they have accepted. But in this case we cannot any more than in any other international negotiation admit that one of the parties has the right to attribute to any expression used in the preparatory correspondence, the obligatory character belonging only to the final Act which recapitulates and lays down the engagements accepted on either side; nor can it arrogate to itself the privilege, in the event of a difference of opinion as to the sense and the meaning of the compact which has taken place, of arbitrarily imposing its interpretation on the other party. It is only in so far as concerns the internal affairs of the Federal territories and their relations to the Confederation, that the question at issue appertains to Dietal jurisdiction, and that only within the limits traced by Federal right. Beyond that circle, and especially in what concerns the relations of the Federal Duchies with the Danish Monarchy, the difference constitutes an international question, the solution of which could only be obtained, by common accord, by means of negotiations; a solution in which the employment of the supreme international argument, namely, the recourse to coercive measures in order to enforce an arbitrary interpretation, could not assume the character of a Federal Execution.

If we appeal here to the general maxims of public law, maxims whose principle no one would deny, it is because the question has been put to us in so general a way that there is no reason for us to discuss even the basis of the arrangement come to in 1852. But if it is proposed to enter upon a discussion of this nature, we have the right to demand that an attempt at least should be made to show what engagements we have not fulfilled; and we are confident that the Austrian (Prussian) Government have no idea of rendering us responsible for these Federal Resolutions on which the States of Holstein have been able to ground their resistance to all common representation, contrary to the sense and in spite of the transaction of 1852; Resolutions which we resisted with all our might, and which we only yielded to at last when the Execution was determined upon, an extremity to which the interests of the Monarchy forbade us to allow matters to arrive.

But if the appeal made to what took place in 1852 is, partly at least, owing to a desire to include the Treaty of Schleswig in the present negotiations, the Government of the King is decided not to engage in them, because we are here treating of the solution of a difference with the Germanic Confederation relative to a country belonging to the Confederation, while the Duchy of Schleswig is in no way subject to Federal jurisdiction. Nevertheless would the Austrian (Prussian) Government pretend that by this means only it is possible to arrive at a definitive solution? I should only have to refer them to their own despatch in which the demands prescribed in the Federal Resolution of February 11, 1858, are designated as a "definitive arrangement," although that Resolution did not and could not treat of any question concerning Schleswig, any more than any other Resolution of the Diet respecting this quarrel.

In any case, if we cannot allow the actual negotiation to leave its true ground, we cannot, on the other hand, prevent the Cabinet of Vienna (Berlin) from returning to the point in question according to the forms required by the character of the affair. Our views on that subject have been made known to the Minister by the correspondence of 1860; we maintain them still in their main features, and we have no motive for a fresh discussion on the subject of them. However, one expression in the despatch of the 8th of February forces me to remark at once that the Minister is quite mistaken if he imagines he sees in a passage of our despatch of the 26th of December any proof to show that the relations of the nationalities in the interior of the country were treated of in the negotiations of 1852.

I have yet to speak of the despatch of the 14th of February last, which was sent to me at the same time as that of the 8th, in order that I may refute the protest which it contains. The Minister for Foreign Affairs has no doubt remarked how carefully we have avoided everything that could in any way damage the pending negotiations respecting the public right of Holstein and Lauenburg, and if he will be so good as to give his attention to the debates of the Supreme Council, he will be convinced that the Government and the Rigsraad are agreed in maintaining the basis given in the Letters-Patent of the 28th of January, 1852, as far as the intervention of the Confederation permits of their doing so. He will also ascertain that the wishes expressed on many sides in favour of the incorporation of Schleswig by means of the abolition of the special Constitution of the Duchy, and the

extension of the fundamental law of the kingdom, have neither been supported by the Government nor in the Supreme Council. The anxieties of the Minister are therefore devoid of foundation. Since, then, the Austrian (Prussian) Government has no right to interfere in the internal affairs of the Danish Monarchy, nor to censure the acts of the Danish Government within those limits, I may confine myself to declaring that a recognition of the Supreme Council, only representing the countries which do not belong to the Germanic Confederation, has not been and could not be demanded, precisely because the Rigsraad has no need of it.

I think I have sufficiently answered the question put to the Government of the King, and I would fain believe that the Minister for Foreign Affairs of Austria (Prussia) will not delay to communicate to us his views on the proposal contained in the despatch of the 26th of October of last year, and especially that he will clearly and concisely point out in what respect this proposition seems to him not to respect the autonomy and equality of rights claimed for Holstein, and what, finally, would be the position that the Confederation intends definitively to claim for that Duchy.

I beg you, Sir, to communicate this despatch to the Minister for Foreign Affairs, and to give him a copy of it.

I have, &c.
(Signed) C. HALL.

No. 215.

Lord A. Loftus to Earl Russell.—(*Received March* 24.)

My Lord, *Berlin, March* 22, 1862.

THE Danish Minister at this Court communicated to Count Bernstorff, on the 18th instant, a despatch addressed to him by M. Hall, bearing date the 12th instant,* in reply to the despatch of Count Bernstorff to M. de Balan of the 8th ultimo.

I have not yet received a copy of this reply, but am informed that it categorically rejects any right on the part of Germany to interfere in the internal affairs of the Duchy of Schleswig. It maintains that the present negotiations do not include any questions regarding Schleswig, and that the Danish Cabinet cannot agree to mix up with a question which has been recognized as one of a purely German character, another question which is of an international character, and beyond the legal attributes of the Germanic Confederation. It then continues to state that the effects of such a fusion of these two entirely separate questions would be, that if no understanding could be arrived at between Denmark and Germany, and if, in consequence, a Federal Execution should be resorted to, this measure could not be considered as confined to an object purely German (namely, Holstein), but as extending to an object of an European character (namely, Schleswig), and, consequently, that Denmark, in the event of a Federal Execution taking place on these grounds, would be forced to regard it as a *casus belli*, even though the German troops should not advance beyond the Eider.

The Danish Government urge, therefore, on the two German Powers (for this despatch is identic with one addressed to the Danish Minister at Vienna) the desirableness of their taking into consideration the proposals made by Denmark in the Danish despatch of October 26th last, for the arrangement of the differences concerning Holstein.

I am informed that this despatch has produced an unfavourable impression here, and that it is now considered that all attempts at direct negotiations having proved unavailing, the whole question must be again brought before the Diet.

The Danish Government do not, as far as I can learn, object to enter into negotiations with Germany as to the nature and fulfilment of their obligations towards Schleswig, but they insist that the two questions of Holstein and Schleswig, one German, the other European and international, should be kept strictly separate; and they make their consent to negotiate on the latter to depend on the previous arrangement of the questions concerning the former.

They say that, by confounding the two questions together, it is virtually extending to the Diet the right of interfering in a province which does not appertain to the Germanic Confederation.

The German Governments, however, maintain that the two questions are inseparable, and that if the question of Holstein was to be previously arranged, they would have no guarantee that Denmark would finally come to a satisfactory arrangement concerning

* Inclosure in No. 214.

Schleswig, in conformity with the engagements taken by the King of Denmark towards Germany.

Count Bernstorff has repeatedly stated to me that, for Germany and for Prussia, it was a question of honour on which they could not recede. They could not accept any arrangement for Holstein, unless it comprised, at the same time, a satisfactory arrangement for Schleswig. He has also stated that, as regards Holstein, the Danish Government may at any moment satisfy the Diet, and bring this question to a conclusion by conforming at once to the Decrees of the Diet.

If, as is expected, the two German Powers, considering the direct negotiations as terminated, now refer the question to the Diet, in the shape in which the direct negotiations have been lately carried on between them and Denmark, that is, inclusive of the question of Schleswig, greater difficulties than have hitherto existed will be created, for the Danish Government will then declare that the question is no longer one of a purely Federal nature, but that it is one of an international and European character, and that, consequently, any coercive action of the Diet will be regarded, not as one of a merely Federal nature, but as the act of one European Power towards another, and, consequently, will regard it in the light of a *casus belli*.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 216.

Lord Bloomfield to Earl Russell.—(Received March 24.)

My Lord, *Vienna, March* 24, 1862.

THE answer to the last communication to the Cabinet of Copenhagen, on the question of the Duchies, was delivered to Count Rechberg yesterday, by the Danish Minister at this Court.

His Excellency said to me that he was greatly displeased with this despatch, and that the Danish Government had met the late conciliatory proposals from Vienna and Berlin by a most unsatisfactory reply on the subject of the engagements of 1852; for, instead of acknowledging these engagements, they chose to refer to their former propositions as the basis of future negotiation.

Count Rechberg appears to consider this Danish communication, not only an ill-judged one, but calculated to increase, rather than allay, the difficulties with which the question is surrounded.

I have, &c.
(Signed) BLOOMFIELD.

No. 217.

Earl Russell to Earl Cowley.

(Extract.) *Foreign Office, March* 26, 1862.

I HAVE transmitted to you copies of the correspondence which has taken place between Her Majesty's Government and Mr. Paget, the British Minister at Copenhagen.

It appears to Her Majesty's Government that the Danish Government have two distinct duties to perform:—

1. To comply with the Decrees of the Diet of Germany in regard to Holstein and Lauenburg.

2. To fulfil exactly and scrupulously every engagement taken, and every promise made by Denmark on the subject of Schleswig.

If M. Thouvenel agrees in this general view, Mr. Paget and M. Dotézac might be instructed to act together in the advice they give at Copenhagen. They should also, Her Majesty's Government are of opinion, seek the co-operation of the Minister of the Emperor of Russia at Copenhagen.

No. 218.

Sir A. Malet to Earl Russell.—(Received March 31.)

My Lord, *Frankfort, March* 28, 1862.

THE proposition of the joint Committees of the Diet laid before the Assembly, in the sitting of Thursday the 13th instant, as reported in my despatch of the 15th of this

month, was brought to the vote yesterday, and adopted, with only the dissentient votes of the Envoys of Denmark for Holstein, and of the Netherlands for Luxembourg.

The Diet, therefore, is committed to the policy of Austria and Prussia, not only in respect of Holstein and Lauenburg, but of Schleswig.

The Danish Envoy, as I am informed, protested in a more precise form than his Excellency had already done on the 12th instant, against the competence of the Diet in any matters connected with Schleswig; principally on the ground that interference in the affairs of that Duchy was tantamount to meddling with the interior affairs of the Danis Monarchy. I understand, also, that M. de Scherff, in his observations, touched the same point; and held that, in adopting the proposition of the joint Committees, as recommended in M. von der Pfordten's report, the Diet overstepped its jurisdiction.

Your Lordship will permit me, in making this brief report on a matter of such importance, to observe on the singularity of Prussia's policy in the conduct of this question. That Power elects, so to say, to drop the direction of an affair which, by consent of all the German Powers, and by none more than Austria, had been left to the initiative of the Berlin Cabinet, and does this in direct contradiction to all her recent policy towards the Diet; inasmuch as she seizes that body of a question involving the gravest consequences.

I must also advert to a trifling misapprehension which I notice in Mr. Paget's despatch of the 18th March.

The report, namely, of Mr. von der Pfortden, made in the sitting of the 13th instant, was presented to the Diet on behalf of the Committees, and not to the joint Committees for the affairs of the Danish Duchies, as Mr. Paget apprehends. It is quite true that one of these Committees, bearing the title of Committee of Execution, makes the matter more significant.

I have, &c.
(Signed) A. MALET.

No. 219.

Earl Cowley to Earl Russell.—(Received April 2.)

My Lord, *Paris, April* 1, 1862.

M. THOUVENEL is quite ready to adopt the suggestions contained in your Lordship's despatch of the 26th ultimo, as to the advice which, under present circumstances, should be tendered by the Representatives of Great Britain and France to the Danish Government, though he observes that it will be a mere repetition of counsels already given. His Excellency added that he believed that the German Confederation had signified that they were ready to treat the points concerning Schleswig as an international question between Germany and Denmark.

I have, &c.
(Signed) COWLEY.

No. 220.

Earl Russell to Sir A. Malet.

Sir, *Foreign Office, April* 2, 1862.

I INCLOSE a copy of a despatch from Her Majesty's Ambassador at Paris,* stating that the French Government concur in the advice which Her Majesty's Government proposed, in my despatch to his Excellency of the 26th ultimo, to tender to the Danish Government on the subject of the Schleswig-Holstein question. I have to instruct you to ascertain, and report to me, if it is true, as stated in Lord Cowley's despatch, that the Diet have announced that they are ready to treat the points concerning Schleswig as an international question between Germany and Denmark.

I am, &c.
(Signed) RUSSELL.

No. 221.

Earl Russell to Mr. Paget.

(Extract.) *Foreign Office, April* 4, 1862.

IT appears to Her Majesty's Government that there are two plans suggested by Count Platen which might have a chance of acceptance, both in Holstein and in Denmark.

* No. 219.

The one plan contemplates a general representation of the Monarchy in the Rigsraad, elected in each portion of the Monarchy according to population ; but contains a provision that every resolution of the Rigsraad must, in order to be valid, have the assent of two-thirds of the Assembly.

The other plan contemplates two Chambers ; the one elected according to population, voting by a simple majority, the other a kind of Senate, in which each separate State should be equally represented. Thus, supposing twenty-four were the number to be chosen, there would be—

For Denmark	6
„ Holstein	6
„ Schleswig	6
„ Lauenburg	6
	24

Each of these plans is intended to guard the German population against Danish preponderance.

You may speak to M. Hall on these plans. Either of them seems to me preferable to the alternatives suggested in the Prussian and Austrian note.

If you find M. Hall not totally averse, you may proceed to Holstein, and seek an interview with Baron Blome. You will inform me of the result.

It seems to me that Holstein can hardly wish, either for a Federal Execution, or for so complete a separation from the administration of Danish affairs as the German Diet contemplates.

But if this is the case, if the leading men in Holstein neither wish for Federal Execution, nor to be left in a state of isolation, nor to kindle a war on the subject of Schleswig, they will be ready to entertain some reasonable compromise.

I need hardly add, that if Denmark and Holstein could go together before the Diet, and declare that they were reconciled, and had agreed upon a plan which suited their mutual interests, the Danish-Holstein question would be at an end.

Her Majesty's Government do not mean to preclude you from treating on other plans, or from communicating by letter with Baron Blome and other leading men, if you are unable to do so in person.

No. 222.

Sir A. Malet to Earl Russell.—(*Received April* 4.)

(Extract.) *Frankfort, April* 1, 1862.

I HAVE the honour to inclose a translation of the official Report of the Diet's sitting of the 27th March, to a portion of which I adverted in my despatch of the 28th ultimo.

Inclosure in No. 222.

Extract from the Report of the Sitting of the Diet of the 27th March, 1862.

LE Président communique une note de l'Envoyé Royal Danois à la Diète en date du 19 courant, dans laquelle il est dit, au sujet des propositions faites dans la 11e séance de cette année par les Comités réunis, que l'extension de la compétence de Comités non choisis *ad hoc*, ainsi que des propositions d'après lesquelles la compétence matérielle et formelle de la Confédération pour les Duchés de Holstein et de Lauenbourg tend à être appliquée aussi au Royaume de Danemark et au Duché de Slesvig, impliquent un danger pour les droits internationaux du Gouvernement Royal; que ce dernier par conséquent proteste ici contre tout préjudice résultant de l'exposé du Comité pour l'indépendance et les droits du Roi, et réserve ces droits, en particulier donc la position internationale de la Couronne de Danemark pour les parties du pays n'appartenant pas à la Confédération, contre toute subordination aux engagements Fédéraux pris quant aux Duchés de Holstein et de Lauenbourg au dedans de limites contractuellement fixées.

L'Envoyé présidant la Diète a en même temps donné connaissance de la note qu'il a expédiée en réponse le 21 courant, et dans laquelle il a dit qu'il ne se croyait pas autorisé, il est vrai, à donner une réplique plus spéciale et plus détaillée sans l'approbation expresse de la haute Diète Germanique, mais que dès maintenant il devait lui réserver tous ses droits, ceux en particulier aussi qui appartiennent à la Confédération par suite des engagements contractés dans les années 1851 et 1852.

Il a été immédiatement décidé de renvoyer aux Comités réunis la note de l'Envoyé Royal Danois pour le Holstein-Lauenbourg, en se référant à la protestation du Président.

A la fin de la séance, il a été procédé aussi au vote sur les propositions faites par les Comités le 13 de ce mois et résolu par quinze voix :—

" D'adhérer, en approuvant pleinement les démarches faites à Copenhague par les hauts Gouvernements d'Autriche et de Prusse, à la protestation en particulier faite par ces derniers dans les notes identiques du 14 Février de cette année."

Les Comités avaient en outre proposé d'inviter l'Envoyé Royal Danois à la Diète pour les Duchés de Holstein et de Lauenbourg à en informer son Gouvernement. Lors du vote, cet Envoyé a toutefois déclaré qu'il ne pouvait satisfaire à cette demande que si elle ne lui était pas communiquée dans la forme d'un extrait du Protocole mentionné au Section 30, lit. *g*.

En conséquence, le Président, quoique cette déclaration ne paraisse pas justifiée, mais pour éviter des longueurs dans cette affaire de pure forme, propose de modifier la résolution dans ce sens, que les hauts Gouvernements d'Autriche et de Prusse soient invités à communiquer cette résolution au Gouvernement Royal et Ducal par l'intermédiaire de leurs Envoyés à Copenhague. Cette proposition est adoptée.

No. 223.

Mr. Paget to Earl Russell.—(*Received April* 7.)

(Extract.) *Copenhagen, April* 3, 1862.

AT M. Hall's request I have the honour to transmit a copy of his Excellency's despatch to M. Bille of the 25th of March last, relative to the Protest of the Diet of Frankfort against the Rigsraad.

Inclosure in No. 223.

Circular addressed by M. Hall to the Danish Ministers at London, Paris, St. Petersburg, Stockholm, and the Hague.

Monsieur, *Copenhague, le* 25 *Mars,* 1862.

COMME nous l'avons pressenti dans notre circulaire du 12 Mars, les Comités réunis de la Diète de Francfort viennent de présenter leur Rapport, qui conclut à l'extension des sommations Fédérales au Slesvig et à la fusion de la soi-disant question Slesvigoise avec celle du Holstein. Ce pas en avant, qui depuis longtemps est au fond de la politique Allemande, a enfin été fait, et d'un bond la Confédération a voulu prendre pied dans une position d'où elle prétend tenir le Gouvernement du Roi sous le coup des Arrêtés Fédéraux dans l'administration du Slesvig, ce Duché Danois qui ne peut se trouver que dans des relations exclusivement internationales avec l'Allemagne. Et ce nouveau principe, d'une portée immense, la Diète de Francfort a tout de suite essayé de le mettre en œuvre, en protestant contre le Conseil Suprême, siégeant uniquement pour les parties de la Monarchie qui n'appartiennent pas à la Confédération.

Mais malgré le caractère grave de cette dernière phase de la politique Fédérale, la diplomatie et la presse de l'Allemagne affectent de parler de la chose comme si ce qui se passe n'avait rien que de fort innocent, comme si ce nouveau procédé de la Confédération ne comportait rien qu'une pure formalité et n'était qu'une de ces éternelles réserves qui entravent la marche des délibérations de la Diète.

Ce n'est pas la première fois que nos adversaires jouent contre nous ce jeu, qui consiste à amoindrir momentanément aux yeux de l'Europe la portée apparente de ces actes, quelque graves que soient au fond les conséquences qu'ils recèlent, pour se glisser, sans qu'il y paraisse et sans qu'on s'y oppose, dans une position favorable à leurs ambitions. Plus tard, et lorsqu'on s'est accoûtumé à les voir dans la position prise, ils commencent à en tirer les conséquences et à l'exploiter à leur gré. Plus d'une fois malheureusement cette tactique n'a que trop bien réussi vis-à-vis des Puissances non-Allemandes.

En présence de cette politique c'est le devoir impérieux du Gouvernement du Roi de signaler à l'attention des Cabinets la véritable portée de la dernière tentative de la Diète, et de constater que depuis le commencement de ce différend aucun acte de la Confédération n'a présenté un caractère aussi menaçant pour le droit public. Jusqu'ici elle s'était bornée

à dépasser les limites de sa compétence Fédérale à présent elle passe sur un terrain tout nouveau, en faisant valoir des prétentions internationales relatives à un pays indépendant de l'Allemagne, non pas par des représentations diplomatiques mais tout bonnement par des Décrets Fédéraux.

A Francfort nous ne nous contentons pas d'opposer une fin de non-receovir catégorique à ce procédé inouï. Mais nous attacherons aussi avec soin à maintenir la seule formeque le droit des gens admette pour une question internationale.

La copie ci-jointe de la note que le Ministre du Roi à Francfort vient d'adresser au Plénipotentiaire Président de la Diète vous montrera l'attitude prise à cet effet. Notamment vous remarquerez, outre la teneur même de la note, la forme adoptée. Tant qu'il s'agit d'une décision de la Diète relative au pays Fédéral, le Holstein, le Ministre du Roi peut donner la déclaration nécessaire au sein de la Diète même ; mais dès que la Confédération se croit en droit d'élever des prétentions internationales à l'égard d'un pays indépendant de l'action Fédérale, elle ne saurait se servir que d'une seule forme, celle d'une note : et cette forme, dont elle a voulu de propos délibéré s'exempter, nous de nôtre part nous saurons la conserver. De même le Ministre du Roi a refusé d'accepter un extrait de protocole, contenant l'Arrêté Fédéral basé sur le Rapport présenté dans cette occasion. Cette forme usitée dans les affaires Fédérales n'est plus permise lorsque la Diète vient se placer sur le terrain international. Qu'elle nous adresse les demandes qu'elle se croit en droit de formuler, dans une note au Ministre du Roi à Francfort, ou qu'elle nous les transmette par l'intermédiaire des Représentants de la Prusse et de l'Autriche à Copenhague ! Mais nous ne nous prêterons certes pas à une confusion des formes Fédérales et d'un fond international.

Je vous engage, Monsieur, en portant à la connaissance de M. le Ministre des Affaires Etrangères la dite note, à n'épargner aucune peine pour qu'il soit complètement édifié sur la véritable portée de la démarche tentée à Francfort et sur l'attitude que nous avons été obligés de prendre.

Je suis convaincu que le Cabinet de reconnaîtra que le droit public du Danemarc est menacé de la plus funeste atteinte par cette tentative d'empiètement. C'est principalement par suite des instances pressantes des Cabinets non-Allemands que nous nous sommes décidés à entrer, par moyen de la dépêche du 29 Juillet, dans ces négociations dont l'Allemagne ne s'attaehe qu'à tirer parti contre nous, et dont elle se sert, non pas pour arriver à une entente, mais pour envelopper également le reste de la Monarchie Danoise dans les filets embrouillés de l'action Fédérale. Nous sommes donc doublement en droit d'espérer que les Puissances non-Allemandes insisteront puissamment auprès des Gouvernements Allemands pour que les négociations actuelles ne quittent pas le terrain qui seul leur peut être assigné. Nous attendons encore toujours une réponse aux propositions que nous avons faites relativement au Holstein dans la dépêche du 26 Octobre. Dernièrement nous avons adressé la question formelle aux deux Cours Allemandes, quelle est en définitive la position que l'Allemagne entend revendiquer pour le Holstein dans l'ensemble de la Monarchie. Si nous n'obtenons pas une réponse claire et nette à cette question, il sera évident que ce n'est pas par notre faute que ces négociations restent infructueuses aussi, mais la responsabilité en retombera entièrement sur l'Allemagne, qui n'aura pas voulu consentir à formuler ses demandes d'une manière compréhensible.

J'ai, &c.

(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, March* 25, 1862.

AS we foretold in our circular despatch of the 12th of March, the united Committees of the Diet of Frankfort have just presented their Report, which decided on the extension of the Federal injunctions to Schleswig, and the fusion of the so-called Schleswig question with that of Holstein. This step in advance, which has long formed the basis of German policy, has at length been made, and at one stroke the Confederation has attempted to assume a position where it intends to keep the Government of the King under the influence of the Federal Resolution with regard to the administration of Schleswig, a Danish Duchy which can only maintain exclusively international relations with Germany. And the Diet of Frankfort immediately attempted to put into operation this new and most important principle by protesting against the Supreme Council, which sits solely for those parts of the Monarchy which do not belong to the Confederation.

But in spite of the grave character of this last phase of Federal policy, Diplomacy and the German press affect to speak on the subject as if all that was happening was quite innocent ; as if this new proceeding of the Confederation was a mere matter of form, and was only one of those eternal reservations which shackle the progress of the deliberations of the Diet.

It is not the first time that our adversaries have played this game against us, which consists in lessening for the moment, in the eyes of Europe, the apparent range of these acts, however grave the consequences which they conceal may be in reality, in order that they may glide unseen and unopposed into a position favourable to their ambition. Subsequently, when one is accustomed to see them in the position they have taken, they begin to reap the consequences of it, and to work it to their advantage at their will. More than once, unfortunately, these tactics have succeeded too well in dealing with the non-German Powers.

In presence of this policy it is the imperative duty of the Government of the King to draw the attention of the Cabinets to the true aim of the last attempt of the Diet, and to prove that since the commencement of this disagreement no act of the Confederation has presented so menacing an appearance to public right. Hitherto it had confined itself to passing the limits of its Federal competency; it now passes to quite new ground by enforcing international pretensions, relating to a country independent of Germany, not by means of diplomatic representations, but simply by Federal Decrees.

At Frankfort we do not content ourselves with putting in a categorical disavowal of this unheard-of proceeding, but we shall devote ourselves to carefully maintaining the only form which the law of nations admits in an international question.

The inclosed copy of the note which the Minister of the King at Frankfort has lately addressed to the Plenipotentiary President of the Diet will show you the attitude we have assumed for this purpose. In addition to the tenor of the note, you will especially remark the form which has been adopted. As long as there is a question of a decision of the Diet relative to the Federal country, Holstein, the Minister of the King can give the necessary declaration, even before the Diet itself; but directly the Confederation thinks it has the right to raise international pretensions with reference to a country independent of Federal action, it can make use of but one form, that of a note; and that form from which it has deliberately attempted to free itself, we on our hand will take care to retain. In like manner the Minister of the King refused to accept an extract of a Protocol, containing the Federal Resolution, based on the Report presented on that occasion. That form which is used in Federal affairs is no longer permitted when the Diet places itself on international ground. Let it address the demands it considers itself entitled to make, in a note to the Minister of the King at Frankfort, or let it transmit them through the medium of the Representatives of Prussia and Austria at Copenhagen; but we will certainly not lend ourselves to a confusion of Federal forms and international substance.

I instruct you, Sir, in communicating the above-mentioned note to the Secretary for Foreign Affairs, to spare no trouble to put him completely in possession of the true object of the step which has been attempted at Frankfort, and of the attitude we have been obliged to assume.

I feel assured that the Cabinet of will recognize that the public right of Denmark is gravely menaced by this attempt at encroachment. It was principally at the pressing instance of the non-German Cabinets that by our despatch of the 29th July we decided upon entering into those negotiations which Germany only takes up to get the better of us, and which she uses, not to arrive at a solution, but to envelop the rest of the Danish Monarchy equally in the tangled web of Federal action. We are, then, doubly justified in hoping that the non-German Powers will make strong representations to the German Courts to prevent the removal of the present negotiations from the only ground which can be assigned to them. We still await a reply to the proposals we made relative to Holstein in the despatch of the 26th of October. We lately addressed the following formal question to the two German Courts: What is in reality the position in the Monarchy which Germany intends to claim for Holstein? If we do not obtain a clear and distinct answer to this question, it will be evident that it is not our fault that these negotiations also remain without results, but the responsibility will recoil entirely upon Germany, who has not consented to put forward her demands in a comprehensible manner.

I have, &c.
(Signed) C. HALL.

No. 224.

Mr. Paget to Earl Russell.—(Received April 7.)

My Lord, *Copenhagen, April 3, 1862.*

THE aspect of affairs between this country and Germany is becoming every day more serious. There can be no longer the slightest hope that the present negotiations

will lead to any favourable result. The despatch from M. Hall to M. Bille, inclosed in my previous despatch of this day, explains very clearly the manner in which the recent step taken by the Diet, namely, its adherence to the Protest of Austria and Prussia of the 14th of February, is viewed by the Danish Government. There can be no doubt that coercive measures on the part of the Diet in Holstein would be looked upon by Denmark, not as an Execution, but as war, and opposed as such. I am warranted in this opinion, not only by what has fallen from M. Hall in our conversations, but by his last despatch to Austria and Prussia: "le recours aux mesures coércitives, afin de faire valoir une interprétation arbitraire, ne saurait point revêtir le caractère d'une Exécution Fédérale." Your Lordship's information from Germany will, doubtless, enable you to form an opinion whether coercive measures are likely soon to follow. Sooner or later, however, as it appears to me, war must inevitably be the result, unless some serious step is taken to prevent it. My own opinion, if I may venture to express it, decidedly is that the only manner in which the question can ever be settled is through the mediation of a European Conference. So long as the intervention of the Great Powers is confined to the communication of their views, whether it be to the Danish or to the German Governments, I fear it will be attended by no greater success than it has been hitherto.

In a Conference, where the parties will be brought face to face, they will be obliged, at all events, to play an open game; mutual rights and engagements can be thoroughly and impartially sifted, and rival pretensions may be blended. It must not be forgotten that in this question both the Danish and German Governments are acting somewhat under the influence, if not pressure, of particular political parties, whose support depends upon a strict adherence to a certain policy, and that, consequently neither one ventures to make a direct concession to the other, although in a Conference the exaggerated views of both might be safely abated.

I am not, of course, aware whether such a mode of settling this dispute would be likely to be accepted by Germany at this moment, but the Danish Government, as your Lordship is aware, made their adherence to the policy suggested by Her Majesty's Government last summer dependent upon an assurance that, in the event of the direct negotiations with the German Powers failing, Her Majesty's Government would do their best to bring about an European Conference for the settlement of their affairs.

I trust your Lordship will pardon the freedom with which I have expressed my opinion on this occasion, but the case appears to me to have now become so complicated that I have felt bound to state what occurs to me as the only manner in which it can be satisfactorily solved.

I have, &c.
(Signed) A. PAGET.

No. 225.

Sir A. Malet to Earl Russell.—(Received April 7.)

My Lord, *Frankfort, April 4, 1862.*

IN reference to your Lordship's despatch of the 2nd instant, instructing me to ascertain and report to your Lordship if it is true, as stated in Lord Cowley's despatch of the 1st April (inclosed therein), that the Diet have announced that they are ready to treat the points concerning Schleswig as an international question between Germany and Denmark, I have the honour to state to your Lordship that M. de Thouvenel appears to be under some misapprehension in the belief his Excellency expressed to Lord Cowley on that point, as the Diet have not signified the intention of treating the points concerning Schleswig as an international question.

The report of the Bavarian Envoy on behalf of the Joint Committees presented in the sitting of the 13th March contains this sentence:—

"The Committee do not in anywise overlook the fact that Schleswig does not belong to the Germanic Confederation, and that therefore the Diet's Decree of the 29th July, 1852, does not directly affect that Duchy. Hence, however, the deduction does not follow which is attempted by the Danish Envoy, that the Confederation has no rights on that Duchy.

"It rather ensues that these rights have not the same character as those relating to the Duchy of Holstein.

"At all events, from the negotiations of 1851 ad 1852, they obtain the basis of international obligations.

"The Crown of Denmark in those negotiations bound itself not only towards Austria and Prussia, but virtually, and to the same extent, towards the Germanic

Confederation, in whose name and by whose special authorization the two German Powers at that time treated, before whom the results of the two Powers' intervention were laid, and by whom at that time the arrangement of the former differences between Denmark and the Germanic Confederation were recognized and sanctioned by the Diet's Decree of July 29, 1852.

"The High Assembly is therefore equally entitled to protest against any violation of those engagements with the Governments of Austria and Prussia."

The apparent object of the Diet seems therefore to be to establish that connection between the affairs of the two Duchies which the Danish Government refuses to acknowledge. It is in fact sought to extend the Diet's authority to Schleswig, and *pro tanto* to interfere in the internal affairs of the Danish Monarchy.

I have, &c.
(Signed) A. MALET.

No. 226.

Earl Russell to Earl Cowley.

(Extract.) *Foreign Office, April 7, 1862.*

I QUITE agree with M. Thouvenel in thinking that the suggestions made in my despatches to the Government of Denmark will not be of much use. But as they appeared to Her Majesty's Government just in themselves, and favourable to the true interests of Denmark, if adopted by the Danish Government, I did not think it right to withhold them.

Objections may be made to every plan of compromise, and indeed to every Treaty of Peace which has put an end to a long conflict. Irreconcilable pretensions must be turned, if they cannot be attacked in front, and what is gained on one side must be compensated by what is yielded on the other.

However, Her Majesty's Government are not exclusively attached to any plan. It seems to them desirable that this source of irritation and semi-hostility should be removed, but they are ready to consider any plan for that purpose.

There is one light, however, in which this question may be viewed with some hope of success. The interest of Germany in pursuing German objects, and the interest of Denmark in pursuing Danish objects, are clear enough. But is it the interest of Holstein or Schleswig to see contending armies on their soil, destroying the fruits of their harvests, and interrupting the commerce of their ports?

Might not some terms of agreement be framed which would suit both those Duchies, without accomplishing the precise objects of either Germany or Denmark?

At all events no means of averting hostilities in the North of Europe ought to be neglected by the non-German Powers.

If Denmark should appeal to the Great Powers of Europe collectively, it will be very desirable that France, Russia, and Great Britain should endeavour to come to an understanding on the subject.

I send you the last instruction to Mr. Paget,* which you may communicate confidentially to M. Thouvenel.

No. 227.

Earl Russell to Sir A. Malet.

Sir, *Foreign Office, April 9, 1862.*

WITH reference to your despatch of the 28th ultimo, I have to instruct you to send home without loss of time the exact text of the Decree relative to Schleswig, Holstein, and Lauenburg, which you state passed the Diet on the 27th of that month, together with a copy of the Report upon which it was based.

I am, &c.
(Signed) RUSSELL.

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* No. 221.

No. 228.

Lord Napier to Earl Russell.—(Received April 10.)

(Extract.) *St. Petersburgh, April 2, 1862.*

I HAVE placed in the hands of Prince Gortchakoff copies of your Lordship's despatch to Her Majesty's Minister at Copenhagen of the 26th February, of Mr. Paget's Report of the 6th ultimo, and of your Lordship's instruction to Mr. Paget of the 14th ultimo.

Prince Gortchakoff read this correspondence with interest and approval, entering warmly into your Lordship's views respecting the duties and obligations of the Danish Government. In connexion with this matter, his Excellency noticed two points as being worthy of your Lordship's attention.

He stated that in the last communications, almost identical in their terms, addressed by Austria and Prussia to the Danish Cabinet, he had observed an expression which could not be passed over. The German Cabinets, in referring to the declarations signed by them in London on behalf of the integrity of the Danish Monarchy, remarked that those declarations had been adhered to in full confidence that justice would be done to Schleswig by the Government of Denmark. Prince Gortchakoff said that this statement might seem to imply a view to qualify or invalidate the declarations referred to, but he could not admit that there was any ground for such an inference; the declarations of London were a solemn international affirmation of a principle of very high importance to Europe, which could not be weakened by questions such as these under discussion respecting the constitution of Schleswig. He intended to call the attention of the Cabinets of Vienna and Berlin to the subject in a friendly manner.

The Danish Minister at this Court had strongly pressed for an admission on the part of the Imperial Government that the relations of the Danish Government with the Duchy of Schleswig could in no case be made the motive for a Federal Execution in Holstein. Prince Gortchakoff had not committed himself; he had reserved the point for careful consideration.

No. 229.

Earl Cowley to Earl Russell.—(Received April 12.)

(Extract.) *Paris, April 11, 1862.*

I HAVE read to M. Thouvenel your despatch of the 4th instant to Mr. Paget.

His Excellency said that although he himself was not averse to either of the plans suggested by Count Platen, he was afraid that neither would find favour with the Danish Government.

M. Thouvenel is convinced that this matter will never be settled but by means of a Conference. At the same time he is not prepared to say that the moment has, as yet, arrived when a proposal of a Conference can be made. Agreeing with your Lordship that it is the duty of the non-German Powers to do all in their power to avert the possibility of this long-vexed question leading to hostilities, he is yet of opinion that there is no imminent danger of the Germanic Diet having recourse to arms.

M. Thouvenel remarked to me that some good might perhaps be done at Vienna, and that he had lately addressed a despatch to the Duc de Gramont, desiring him to point out to Count Rechberg, though in the most friendly terms, that the Austrian Government, which knew the difficulty of dealing with nationalities, ought to exercise forbearance towards a State placed to a certain extent in the same straits as themselves.

No. 230.

Mr. Paget to Earl Russell.—(Received April 14.)

(Extract.) *Copenhagen, April 9, 1862.*

YOUR Lordship's despatch of the 4th instant reached me yesterday by the extra messenger Schmock, and I immediately sought an interview with M. Hall for the purpose of communicating to him the plans therein suggested for bringing about an understanding between Denmark and Holstein. His Excellency had already learnt them from M. Bille, who had likewise informed him of my being authorized to place myself in communication with Baron Blome.

My interview with M. Hall yesterday was necessarily short, as I found him on the point of going to the Rigsraad. Sufficient passed between us, however, to convince me that the primary condition to my proceeding to Holstein would be wanting, namely, his Excellency's agreement to either of the arrangements proposed.

I saw M. Hall again to-day, and he stated to me his objections to them.

He disposed very summarily of the first plan by saying that it was quite impracticable, and would impede all future legislation. No country had suffered more than Denmark, he said, from the factious proceedings of a minority; how much the more would such be the case, he inquired, if every resolution, to give it effect, required to be voted by two-thirds of the Chamber. In the present state of party spirit, no measure of any kind would ever pass.

With regard to the second plan, M. Hall said that he was not in principle opposed to a system of two Chambers. Such a combination had at one time been proposed by him, although on a different system of election for the Senate. The idea of giving Lauenburg, with its 50,000 inhabitants, only the same number of Members in the Senate as Denmark, Holstein, and Schleswig, appeared to him, he must say, absurd; but putting that aside, it was evident that if the arrangement now proposed was adopted, the two Chambers would be in a constant state of antagonism. Both were to be elected—one by direct election, the other indirectly through the Provincial States. In the Second Chamber, which it was proposed to elect according to the population, there would of course be a Danish majority, as the Danish population of the Monarchy amounted to 1,800,000 inhabitants, against about 800,000 Germans. On the other hand, in the Senate the German element would of necessity be predominant. At best, supposing the Schleswig Diet to send three Danes and three Germans, the numbers would be in the Senate fifteen Germans to nine Danes: the spirit of nationality would again show itself, and the consequence would be that the measures voted by the Danish majority in the Second Chamber would be rejected by the German majority in the Senate, and *vice versâ*. How was this difficulty to be met? he inquired; and how was the public business to be carried on? Any measures, he said, which the Government might take in order to produce harmony would probably be construed by Germany as an infraction of the rights of the German Members, and thus, instead of the conflict with the Confederation being ended by the proposed arrangement, fresh ground of discord would be established.

I suggested to M. Hall that it might perhaps be possible to come to some transaction respecting the number of votes for Lauenburg, and I asked whether in this event he would be willing to treat. His reply left me no hope that he would do so.

He said that even if he were personally disposed to enter on such a negotiation, which he was not, he could do nothing without the consent of the Rigsraad, for the plan entailed a complete alteration of the existing organization of the Monarchy, and the fact of his proposing such a scheme to the Rigsraad would be the signal for his downfall.

There is one basis, however, on which I think it right to state at once that I believe neither M. Hall's Government nor any other which could be formed in Denmark, would consent to treat, and that is the partition of Schleswig. Rather than agree to such an arrangement, under whatever form it might be presented, I believe the worst chances of a war would be incurred. I have never spoken to any one, no matter to what party he might belong, who did not express himself to this effect.

In the course of my conversation with M. Hall to-day, he mentioned that he was shortly expecting the answer to his last despatch to Austria and Prussia, and that he was informed it was likely to contain an explanation, which had been so often sought, of the meaning which those Governments attach to the words "equality" and "independence." If their interpretation admitted the possibility of coming to a direct understanding, it would be the simplest manner, he said, of arranging the differences; if not, I infer from his Excellency's language that it is his intention to make an appeal to the Great Powers.

No. 231.

Sir A. Malet to Earl Russell.—(*Received April* 14.)

My Lord, *Frankfort, April* 12, 1862.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 9th instant, and in obedience to the instructions therein contained transmit herewith, first, the Protocol of the Diet's eleventh sitting, held on the 13th of March, containing the Report of the Joint Committees on which the decision taken on the 27th was based; and secondly, the German text of that decision, a translation of which I beg to remind your Lordship was inclosed in my despatch of the 1st of April. I

further beg leave to inclose a translation of a semi-official article concerning the sitting of the 27th, which appeared in the "Frankfürter Journal" of yesterday, the accredited organ of the Prussian Government.

On referring to the official report of the sitting, your Lordship will remark that no notice whatever is taken of the observations of the Netherlands Minister, to which I adverted in my despatch of the 28th March, but which I learnt created some sensation at the time, and have now become public.

I have, &c.
(Signed) A. MALET.

Inclosure 1 in No. 231.

Protocol of the Sitting of the Diet, held March 13, 1862.

[See Inclosure 1 in No. 232.]

Inclosure 2 in No. 231.

Decision of the Diet of the 27th March, 1862.

[See Inclosure in No. 222.]

Inclosure 3 in No. 231.

Extract from the "Frankfürter Journal" of April 11, 1862.

(Translation.)

ON occasion of the vote taken in the Diet's sitting of the 27th March, upon the proposition of the Joint Committees "in entire accord with the steps taken by Austria and Prussia in Copenhagen to adopt more especially the protest contained in the identical notes of the 14th February;" besides the protest brought forward by the Envoy of Denmark, the Netherlands Envoy for Lauenburg and Limburg alone gave a dissentient vote.

The latter did not contest "Denmark's having taken certain engagements by the negotiations of 1851-52 as regarded Schleswig, but maintained that these engagements as resting on a basis of purely public law, and purposely kept distinct from the constitutional ties binding Holstein and Lauenburg to the Diet, ought to be regulated by international negotiations with the Crown of Denmark."

With reference to the refusal of the Representative for Holstein and Lauenburg to undertake to communicate to his Government (by an excerpt of the Protocol as prescribed by § 30, *g*, of the Standing Orders) the decision contained in the original proposition, the President pronounced this declaration "unjustified," but "with the view of avoiding delays in a purely formal matter," proposed making the communication at Copenhagen through the Ministers of Austria and Prussia; with this all the Envoys, with the exception of those of Denmark and the Netherlands (who withheld their vote), declared themselves satisfied.

When the Danish press assumes in reference to this refusal of the Envoy of Holstein and Lauenburg that he only assisted at these proceedings by the Diet in his character as Representative of the King of Denmark, and acted only in that capacity, it must be simply remarked that an Envoy to the Diet does not possess that capacity, neither can it be arbitrarily assumed on a given occasion.

No. 232.

Sir A. Malet to Earl Russell.—(Received April 14.)

My Lord, *Frankfort, April* 12, 1862.

AS my preceding despatch was being closed, I have obtained communication of the annexed documents concerning the same question: No. 1 being the commencement of the Protocol contained in my previous despatch, with the addition of the Danish Envoy's declaration in the eleventh sitting; and No. 2, giving fuller details of what passed in the sitting of the 27th March.

I have, &c.
(Signed) A. MALET.

Inclosure 1 in No. 232.

Minute of the Sitting of the Diet of the 13th March, 1862. § 92–94.

§ 94. *Constitution Question of the Duchies of Holstein and Lauenburg.* (*23rd Sitting, § 242 of* 1861.

(Translation.)

THE Representatives of Bavaria, in the name of the Committee for the Constitution Question of Holstein-Lauenburg, reports as follows:—

In the twenty-ninth sitting, on the 12th August last, the Joint Committees made a notification to the Federal Assembly relative to a declaration given in on the part of the Danish Government towards the Governments of Austria and Prussia respecting the Constitution-question of the Duchies of Holstein and Lauenburg, and the further proceedings then in view. The Committee on that occasion stated that a further communication might be expected in due time from the Governments of Austria and Prussia, and reserved to itself the making of a further Report.

The United Committees now find themselves in a condition to make such Report, in consequence of the further communications which the Representatives of Austria and Prussia have made to them.

In continuation of the statements made on the 9th August last, the two Representatives delivered in to the Committees on the 6th instant, the following documents:—

1. A despatch from the Danish Minister Hall to the Danish Ministers in Berlin and Vienna, on the 26th October and 7th November, 1861, respectively.

2. The identical ("gleichlautende") replies from the Cabinets of Vienna and Berlin of the 30th November and 5th December, 1861, respectively.

3. A further despatch from the Danish Minister of the 26th December, 1861.

4. The identical Austrian and Prussian answer of the 8th February last.

5. Two "projets de loi" laid by the Danish Government before the Reichsrath in Copenhagen, containing a more precise resolution in reference to No. 37 of the Constitution-law of 2nd October, 1855, and some alterations and additions to that law.

6. The identical protesting ("verwahrend") Declaration which was, on the 14th of February last, in reference to those "projéts de loi," addressed by the Cabinets of Vienna and Berlin to their Ministers in Copenhagen, and delivered to the Danish Minister for Foreign Affairs on the 21st February last.

The Ministers above-named observed in reference hereto, that the Austrian and Prussian Governments thought it requisite that the Federal Assembly should itself form a judgment on the state of the question, and should make their adhesion to the above protestation, if their opinion so determined.

The Committees consider it their duty to make known these accompanying documents* in full to the High Federal Assembly, and to join thereto the following observations:—

In consequence of those declarations of the Royal-Danish and Ducal-Holstein Government, on which the Committee reported on the 12th August last, an expectation might have been indulged that the intended confidential negotiation would be able to lay down bases for the settlement of a Constitution, through which the Federal Resolutions made and negotiations pursued up to that time might be secured validly and carried out, and that all the pending differences might thus be terminated. But this expectation has not hitherto been fulfilled.

The Danish despatch of the 26th October last confined itself to making propositions for a provisional state of things in the Duchy of Holstein, and for that effect to repeat precisely those propositions only which had already been rejected by the States of Holstein; and as now the German Powers, in their reply of the 30th of November and 5th December respectively, have demonstrated the necessity of giving a broader basis to the negotiations, and have asked the Danish Government for a statement of its views in regard to a definitive settlement of all the points included in the Agreement of 1852, and thus especially of the affairs of the Duchy of Schleswig, which constituted an integral portion thereof, the reply which followed on the 26th December last, not only declined to enter upon negotiations on those points, but even made it appear doubful whether or not the Danish Government acknowledged generally the negotiations and agreements of 1851 and 1852 to be still binding upon it, and as being itself bound to fulfil them.

This doubt is grounded upon the whole tenour of the Danish Minister's despatch of the 26th December last, which designates as useless the attempt to carry out the propositions of 1852 completely in the manner then intended, and maintains that the

* Annex 1–6 Protocol of Bund, 1862.

general presumptions of the intended arrangement are essentially modified since then. These disclosures are the more important, as the despatch expressly refers to the correspondence which took place in the year 1860, on the occasion of the proceedings in the Prussian Chambers.

In that correspondence, which was communicated to the Committee by the Prussian Representative, and the contents of which may be seen in the annex,* there is a despatch from the Danish Minister for Foreign Affairs to the Danish Minister in Berlin, dated 10th June, 1860, in which the Duchy of Schleswig is designated as a Danish province, and it is maintained that the Agreement of 1852 does not in anywise refer to Schleswig, and that the negotiations which took place contained, together with the formal obligations undertaken in respect of Holstein, the expression of the Royal intentions respecting the position to be given to the Duchy of Schleswig in the whole Monarchy, namely, the intention not to incorporate it with the kingdom.

The difference here made between formal obligations and Royal intentions is fully explained by a comparison with a circular despatch to the Danish Legations, dated the 25th May, 1860, wherein it is directly stated that Denmark does not consider herself bound to the German Confederation by any Treaty or agreement, so far as relates to the organization or administration of the Duchy of Schleswig.

No clearer proof, therefore, is required to show what good grounds the German Powers had, in their reply to the Danish Government of the 8th February last, to put the following question:—"Did the Government, in the said documents of the year 1860, really express its definitive meaning, and would it abide by it? or, did it still recognize the binding character of the promises made in 1851 and 1852, really referring to the Duchy of Schleswig also, and would it admit this recognition as a basis of further negotiations with the German Powers?"

Without a definite reply to this question, it cannot be known whether or not any secure basis exists for further negotiations which may possibly lead to an understanding.

The Danish Government, moreover, has not confined itself to disallowing the Agreements of 1851 and 1852 in diplomatic documents; it has also executed political Acts which may be damaging to those Agreements. The two "Projets de loi," on the modification of the Constitution-law of the 2nd October, 1855, laid before the Reichsrath in Copenhagen, tend unmistakeably to an essential alteration of the position of the Duchy of Schleswig towards the whole Monarchy. In this the Danish Government appears not to have considered at all how it is to be reconciled with the guarantees given in the years 1851 and 1852.

The German Powers, then, were fully entitled to insert a protestation in their despatch of the 14th February last in reference to those Acts, and the United Committees have no hesitation in recommending the Federal Assembly to join in this protestation.

In this the Committees do not in anywise overlook the fact that the Duchy of Schleswig does not appertain to the German Confederation, and that, therefore, the Federal Resolution of the 19th July, 1852, makes no direct mention of the same. But it is not to be inferred from this, as the above-cited despatch of the Danish Minister would do, that no sort of right exists in the German Confederation in respect of that Duchy. The inference is rather that such right is not of the same character as that in reference to the Duchy of Holstein. But, at all events, in the Agreements of 1851 and 1852 it received an international basis by Treaty. The Crown of Denmark in those negotiations bound itself, not only towards Austria and Prussia, but precisely to the same extent towards the German Confederation also, in the name and by the especial mandate of which the two Governments were then acting, before which they laid the result of their mandate, and which then itself, by the Resolution of the 29th July, 1851, recognized and approved the reconciliation of the dispute till then existing between Denmark and the German Confederation. The Federal Assembly is, of course, as fully entitled and required to enter a protestation against all infraction of these obligations as are the Governments of Austria and Prussia.

Induced by these considerations the United Committees move that the Assembly resolve,—

1. In full accordance with the steps taken in Copenhagen, by the Governments of Austria and Prussia, to adhere especially to the protestation inserted by those Governments in the identical note of the 14th February last.

2. To request the Federal Representative of Denmark and of Holstein and Lauenburg to communicate the same to his Government.

Denmark in respect of Holstein and Lauenburg:—In conformity with the declarations and protestations given in by him on former occasions (the list being in the Sitting

* See Annex 7.

of 8th March, 1860, page 173 of the Minutes), the Representative cannot but once more make express reservation, on his part, of all the rights of the King, His Gracious Majesty, namely, by here at once entering a decided protest against the extension of the competency of this high Assembly to the internal affairs of those parts of the Danish Monarchy which do not appertain to the Confederation. In reserving to himself, for the rest, any further declaration and exposition, the Representative is in a position to add that a reply from his Government to the documents ("Erlasse") printed under Nos. 4 and 6 of the Annexes, will speedily be made, and he, therefore, refers now to the contents of that reply.

On the motion of the President it was resolved to take a vote in fourteen days upon the above motion of the United Committees.

Inclosure 2 in No. 232.

Minute of the Sitting of the Diet of the 27th March, 1862.

§ 105. *Constitution Question of the Duchies of Holstein and Lauenburg.* (*11th Sitting*, § 94 *of* 1862.

(Translation.)

THE President submits a letter of the 19th (præs. 20th instant), from the Representative of Denmark, &c., relative to the motion made by the United Committees for the Holstein and Lauenburg Constitution question, which is to be voted in this day's sitting. The letter is as follows:—

"In the last sitting of the Federal Assembly, the Committee appointed for the Constitution question of Holstein and Lauenburg, united with Execution-Commission, laid before the High Assembly the despatches exchanged since the 26th of October last, in the confidential negotiation between the Courts of Copenhagen, Vienna, and Berlin, together with some other documents; and in so doing, while giving especial prominence to those explanations and reservations which Count Rechberg and Count Bernstorff have lately found themselves called upon to make, in regard to the political relations of those parts of the Danish territory not belonging to the Monarchy, as also in regard to the subsistence and competency of the now assembled Reichsrath for the same, this motion was made:—'The High Federal Assembly will resolve, in full accordance with the steps taken in Copenhagen by the Governments of Austria and Prussia, to adhere especially to the protestation inserted by those Governments in the identical notes of the 14th of February last, and to request the Federal Representative of Denmark, &c., to communicate the same to his Government.'

"When the Undersigned Danish Representative with the German Confederation had communicated the motion to his Government, he was instructed to make the following respectful communication to his Excellency the Federal President Baron von Kübeck.

"From the commencement of the negotiations proceeding since the 26th of October, 1857, upon the Constitution question of the Duchies of Holstein and Lauenburg, the Danish Government has considered itself both entitled and bound to make a reservation against the extension of Federal competency to the parts of the Danish territory not belonging to the German Confederation, as well in general as in the particular cases where such an attempt has been manifested. Whilst in so doing it might appeal to its relations in and towards the Confederation settled and secured by Federal and international law, it has to admit that, in unison herewith, in the communications made by the Courts of Vienna and Berlin in appointing the respective Committees, as also in the tenour of all the propositions made and resolutions taken hereupon, the Constitution question of Holstein and Lauenburg has been solely and exclusively referred to, so much the more might and should the competency of the Execution Commission, which since the twenty-fifth sitting of the year 1858 has joined in the deliberations of that Committee, be limited to the execution of Federal Resolutions within the competency of the Confederation, in correspondence with Articles I and II, as well as with the spirit and tenour of the Fundamental Law of the 3rd of August, 1820.

"The Undersigned has not now to inquire how far such competency has been maintained in these Resolutions; the explanations relating to Holstein and Lauenburg have been in part the objects of further negotiations, and in part entered on the Minutes of the Federal Assembly.

"But the more sincerely his Government desires to come to an understanding upon carrying out those Resolutions in a manner corresponding with the requisitions of the Federal Assembly and with the interests of those Duchies, so much more deeply does it lament to have cognizance of a proposition which, altering the limits and objects hitherto

observed in these discussions, would extend the deliberations of the Federal Assembly to a legislation belonging entirely to the Kingdom of Denmark and Duchy of Schleswig, had would convert the mandate of Committees appointed for other objects, to international questions in which the Crown of Denmark stands before the German Confederation as a European Power in no wise bound by the fundamental laws of the Confederation, or the internal course of action of the Federal Assembly.

"The Danish Government cannot pretend to estimate the motives which induced the Courts of Vienna and Berlin to lay already before the said Committees the still pending negotiations upon the Holstein Constitution question, nor why these Committees have moved for the participation of the Assembly before the termination of those negotiations.

"But as by enlarging the competency of Committees not appointed *ad hoc*, as also by motions which would now aim to extend the real and formal competency which the Confederation claims in the case of Holstein and Lauenburg, so as to embrace also the Kingdom of Denmark and Duchy of Schleswig, there might arise a danger to the international rights of the Danish Government, the latter cannot but at once protest against this in the form which is in correspondence with the rights endangered. And the Undersigned, in respect of the material tenor of the controversies raised by the above-mentioned communications, having to refer herein to a reply which was sent on the 12th instant to the Danish Ministers in Vienna and Berlin for communication to the Governments there, he has to present hereby to the President of the Confederation a protest against all prejudice which may accrue from the said motion to the independence and the rights of his august Sovereign, and to reserve those rights, as he hereby does, namely, the international position of the Crown of Denmark, in regard to those parts of the territory not belonging to the Confederation, against all subordination, under the Federal obligations contracted for Holstein and Lauenburg within limits determined by Treaty, and conscientiously fulfilled.

"The Undersigned, requesting that this respectful note may be brought to the notice of the Federal Assembly at its next meeting, takes the opportunity, &c."

The President reserved to the Federal Assembly to decide as to the mode of proceeding towards the note now read, yet in acknowledging the receipt thereof to the Representative of Denmark, &c., he considered himself at the same time bound already to reserve all the rights of the high Federal Assembly. The reply was as follows:—

"The Undersigned, Royal Imperial President has the honour to acknowledge the receipt of the note of his Excellency Von Bülow, the Danish, &c., Representative to the Federal Assembly, dated the 19th instant (præs. 20th instant) relative to the motion made in the Sitting of the Diet before the last, by the United Committees, in reference to the Holstein and Lauenburg Constitution question, and will not fail to lay the letter before the High Federal Assembly at their next sitting.

"The Undersigned cannot, indeed, consider himself empowered, without the express approval of the Federal Assembly, to give a particular and more precise reply to the said note; but he must, in regard to the declarations, reservations, and protest therein contained, now reserve to the High Federal Assembly all rights, and especially those which appertain to the German Confederation, by virtue of the Agreements made in its name in the years 1851 and 1852, between the Austrian and Prussian Governments, and the Danish-Holstein-Lauenburg Government.

"The Undersigned takes the opportunity, &c."

The President now moves that the above note from the Danish Representative be assigned to the United Committees, with reference to the reservation contained in the reply of the President.

Question ("Umfrage").—Austria, Prussia, Bavaria, Royal Saxony, Hanover, Wurtemberg, Baden, Electoral Hesse, and Grand-Ducal Hesse.—The Representatives assent to the Motion of the President.

Denmark for Holstein and Lauenburg.—The Representative could not consent to refer the documents now read to the United Committees, and therefore, under the circumstances of the case, must prefer to abstain from voting.

Netherlands for Luxemburg and Limburg.—The Representative, in accordance with the intentions of his Government, which are known to him, is of opinion that he cannot assent to hand over the Danish Representative's note to the United Committees, because his Government considers that the relations of the Duchy of Schleswig should be treated separately from those of the Duchies of Holstein and Lauenburg.

All the other Representatives declare their agreement with the motion of the President; it was therefore resolved to assign the above note of the Danish, &c., Representative to the United Committees, with reference to the reservation contained in the President's reply.

§ 114. *Constitution Question of the Duchies of Holstein and Lauenburg.* (11*th Sitting*, § 94 *of* 1862, *and above* § 105.)

The President brings to vote the motion made by the Committee of the Holstei and Lauenburg Constitution question and the Execution Commission at the sitting before last. (Minute, § 94).

Austria.—The Representative agrees to the motion, under reference to the reservation of the Imperial Government inserted in the communication from Count Rechberg of the 14th ultimo made to the Baron von Brenner.

Prussia.—The Representative agrees to the motion of the Committees, referring to the reservation of his Government contained in the despatch of Count Bernstorff of the 14th February last to Herr von Balan.

Bavaria, Royal Saxony, Wurtemberg, Baden, Electoral Hesse, and Grand Ducal Hesse.—The Representatives assent to the motion of the United Committees.

Denmark for Holstein and Lauenburg.—The Representative is instructed not to enter at present into the matter itself, that is to say, not to anticipate the pending negotiations by discussions upon the documents communicated to the high Assembly. With regard to the international point of view and to the rights of his Government, he cannot in reference to the reservation made in the 11th sitting (Minute, § 94) as also to the note brought to the knowledge of the Assembly in this day's sitting, admit the international claims now under discussion, as thus reasoned and enlarged. For the rest, he has to explain his vote only so far, that his Government cannot consider itself also bound by Federal law to admit on its part the connection supposed by the motion to exist between the Holstein and Lauenburg Constitution question and the further claims of right on the part of the Confederation.

Such connection has not hitherto existed, nor has it been attempted to give effect to such connection. All discussions and resolutions since the appointment made of a Committee on the 26th October, 1857, have had reference to those two Duchies, for which alone any competency could be legally claimed by the Confederation.

Neither this Committee nor the Execution Commission united with it since July 1858, have had any other mandate from the high Assembly than to report to it their opinions upon the resolutions come to in reference to those Duchies, and to the execution of the same.

The Danish Government cannot find, either in the negotiations hitherto, or in Articles 31 to 34 of the Final Act of Vienna, nor in the Execution Ordinance, any right by which the establishment or maintenance of any international claim or right over a Government standing out from the Confederation could be assigned to the Execution Commission.

That this limitation and the separation corresponding with it were not only real but were also, and are, founded in law, may be demonstrated without difficulty by the fundamental laws, as also by special transactions and events.

His Majesty the King of Denmark enters into the Confederation for Holstein (and Lauenburg) only (Act of Confederation, Articles 1, 4, and 6); and the Act of Confederation defines and limits the powers and duties of the Confederation, as well as the action of this high Assembly (Final Act, Articles 3, 9, and 10.) In accordance herewith, the Austrian Government declares, in a despatch of the 26th December, 1861, "that the competency of the Confederation proceeding only from Federal laws can never extend to a territory not appertaining to the Confederation." And the Prussian, "that the relations of the Duchy of Schleswig, as a non-German territory, cannot of themselves be an object of the discussions and negotiations of the German Confederation" (despatch of 30th December, 1851); and in accordance therewith the recognition of the Royal Proclamation of 28th January, 1852, was made by the Federal Assembly, so far only as its provisions referred to the Duchies of Holstein and Lauenburg; and on the other hand, an extension of its constitutional competency over the parts of the territory not appertaining to the Confederation was, in this decisive case, not claimed in any way.

If, then, the legal competency of the Confederation has been hitherto, and is still, concerned with the Constitution question of Holstein and Lauenburg only, the Danish Government, though quite ready to fulfil all and every obligation it has contracted, yet cannot consider this high Assembly entitled to aggravate and to extend the action of this competency, or the obligations, as founded on and defined by fundamental laws, which are due from His Majesty the King as a member of the Confederation, by introducing a new international treatment under the forms of Federal law, whereby on the one hand not only is the independence of the Crown of Denmark endangered, but also on the other

hand the right of the Sovereign would be limited in the Duchy of Holstein by international influence, still more than has hitherto been the case by Federal Resolutions.

Precisely if, and precisely because the Danish Government is persisting, under great impediments, in the endeavour to conciliate the opposing rights and interests in the Holstein Constitution question, and to bring about a durable understanding, it would see with very deep regret the well-understood interests of all parties concerned, and the real basis of the Federal Resolution of the 29th July, 1852, endangered by mixing up their position in and out of the Confederation. The Danish Government has several times openly declared and believes it to be demonstrable that the Federal Resolutions in respect of Holstein and Lauenburg have already stepped over the limits assigned by the fundamental laws for the protection of the sovereignty of the Federal Assembly which they guarantee against internal territorial affairs, which limits have been even recently held forth as authoritative ("all influence of the Confederation upon internal constitutional affairs is to be kept within the strictest limits of what is required by the fundamental laws of the Confederation:" Prussian declaration in the Constitution question of Electoral Hesse, tenth sitting of the 17th March, 1860); but, nevertheless, if the Danish Government is ready to come to a settlement of the Holstein Constitution question on the basis here demanded, so far as it possibly can do, it does not think it compatible either with this object or with the interests of the Confederation, which is in a similar manner concerned in its execution, if now (looking at the affair from the same point of view), the legislative measures of the Kingdom of Denmark and Duchy of Holstein are to be brought up before this Forum, and the High Assembly, by this extension of its already so far-reaching influence, should call forth complications, for whose consequences the Danish Government could not in anywise be responsible.

The Representative being now directed only to call attention to the fact that when the Law of the 2nd October, 1855, was annulled for the Duchies of Holstein and Lauenburg in consequence of the Resolutions of 11th February and 12th August, 1858; and when the supreme Ordinance relative thereto, according to which, among other matters, that Constitution should continue to subsist in undiminished action for those parts of the Monarchy which did not appertain to the Confederation, was laid before the High Assembly, the latter received the communication "with nothing but satisfaction" (thirty-fifth sitting of 11th November, 1858), he has, with reservation of all the rights of his august Sovereign, and particularly of those emanating from the Federal Law, to vote against the motion made by the United Committees under No. 1. In regard to that which is under No. 2, he may, indeed, declare himself ready to hand over the desired communication to his Government; but in the present case, which is neither a request made to a Federal Government, nor a resolution taken relating to its affairs, and therefore when § 30 *g* of the Order of Procedure of 16th June, 1854, does not apply, he might suppose that this communication might go in a different manner from that which is there provided.

Netherlands for Luxemburg and Limburg.—Although the Kingdom of Denmark has contracted certain obligations relative to the Duchy of Schleswig by the Agreements of 1851 and 1852, yet these, in the opinion of the Netherlands, &c., Government rest on a purely international basis, and cannot be placed on the same line, or be mixed up with the constitutional affairs of the Duchies of Holstein and Lauenburg appertaining to the Confederation. They are carefully separated therefrom, and must be regulated by international negotiations with the Crown of Denmark. The Representative therefore is instructed to give his vote against the motion in question, made by the United Committees.

All the other Representatives vote for the motion of the United Committees, the Representative of the fifteenth vote referring for Oldenburg to the declaration made by the Grand Ducal Government in the Federal Assembly on the 11th of February, 1858 (Minutes, § 70.)

President.—Although the declaration made by the Representative of Denmark, &c., to the § 30 *g* of the Order of Procedure at the close of his vote does not appear to be justified, the President is of opinion that in order to avoid delay in this purely formal matter he ought to propose to the Federal Assembly to modify the Resolution to the effect that the Governments of Austria and Prussia should be requested to make the communication in this affair through their Ministers in Copenhagen to the Danish, &c., Government.

On the question ("Umfrage") being put, all the Representatives agreed with the proposal of the President except the Representatives of Denmark, &c., and Netherlands, &c., who abstained from voting.

The Federal Assembly then resolved—

1. In full agreement with the steps taken by the Governments of Austria and Prussia in Copenhagen to adhere especially to the reservation inserted by them in the identical notes of the 14th February last.

2. To request ths Governments of Austria and Prussia, through their Representatives, to make communication hereupon to the Danish, &c., Governments by the channel of their Ministers Plenipotentiary in Copenhagen.

No. 233.

Lord A. Loftus to Earl Russell.—(Received April 14.)

(Extract.) *Berlin, April* 12, 1862.

I INQUIRED last evening of Count Bernstorff whether any reply, and of what nature, would be made to the last Danish communication of the 12th ultimo.

Count Bernstorff said that, without having previously concerted with the Cabinet of Vienna, he could not reply to any question; but, he said, a reply would be made, and he gave me to understand that the German Powers in that reply would call upon Denmark to fulfil the engagement she had taken towards Germany in 1851and 1852.

I inquired whether, in such case, the two German Powers would specify the exact nature of those engagements and of their present demands; his Excellency replied that it was probable that they would do so.

No. 234.

Earl Russell to Lord Napier.

My Lord, *Foreign Office, April* 16, 1862.

I HAVE to state to your Excellency, in reply to your despatch of the 2nd instant, that Her Majesty's Government are anxious to act in entire confidence with the Russian Government in respect to the questions of Holstein and Schleswig.

Her Majesty's Government agree with Prince Gortchakoff in thinking the phrase indicated by him in the notes of Austria and Prussia might be construed as implying a tendency to invalidate the declarations signed by them in London in favour of the integrity of the Danish Monarchy. Her Majesty's Government likewise agree with Prince Gortchakoff that the declarations of London contain a solemn international affirmation of a principle of very high importance to Europe, which could not be weakened by questions such as those under discussion respecting the Constitution of Schleswig.

In fact the questions regarding Schleswig are of minor importance, and do not appear to Her Majesty's Government to give Germany collectively, or Austria or Prussia separately, any right to have recourse to force, the great questions of Holstein and Lauenburg being conceded by Denmark.

Your Excellency will read this despatch to Prince Gortchakoff, and will give his Excellency a copy of it.

I am, &c.
(Signed) RUSSELL.

No. 235.

*Earl Russell to Earl Cowley.**

My Lord, *Foreign Office, April* 16, 1862.

THE resolutions which have recently been adopted at Frankfort on the subject of Schleswig appear to Her Majesty's Government to deserve the serious consideration of the Great Powers of Europe.

The German Confederation, in their sitting of the 27th of March, adopted a resolution approving of the conduct of Austria and Prussia, in respect to Schleswig.

Your Excellency will recollect that, in the summer of last year, Her Majesty's Government interposed to prevent a Federal Execution in Holstein, and to bring about a direct negotiation between Germany and Denmark, on the questions which had been so long in dispute.

For some time this negotiation was delayed by the change which took place in the Ministry of Foreign Affairs at Berlin.

* Similar despatches were addressed to Lord Napier and Mr. Jerningham.

When this change had been definitively settled, Denmark made her proposals respecting the German Duchies of Holstein and Lauenburg.

Instead of replying directly to this overture, and saying whether the Danish proposals were sufficient or insufficient, Austria and Prussia, who were charged with the negotiation, declared that the whole of the questions in dispute, including those relating to the Danish Duchy of Schleswig, must be settled at one and the same time.

Her Majesty's Government would have preferred that these questions should have been settled successively; that the demands of Germany regarding the German Duchies should first have been satisfied, according to the rights and the power of the German Confederation, and that a basis of agreement having been thus attained, the questions relating to Schleswig should then have been carefully and dispassionately examined.

Her Majesty's Government feared that the rights of the German Confederation, in respect to German territory, would be confounded in some degree with the question of Danish territory, in regard to which Germany could only pretend to the fulfilment of international obligations.

This, it appears, is what has actually occurred, and the Diet of Frankfort, adopting the Report of its Committees, among which is the Committee of Execution, has proceeded to approve in the gross the proceedings of Austria and Prussia in regard to Holstein, Lauenburg, and Schleswig.

It is true that the Diet draws a distinction, and seems to admit that on the question of Schleswig it has not any other right to interfere than that which one independent Power has to demand redress from another, on the ground of violation of engagements. But this distinction, which in the Resolutions of the German Diet is made to appear vague and shadowy, must serve as the foundation of all the proceedings of the non-German Powers.

In regard to Holstein and Lauenburg, Her Majesty's Government admit unreservedly the jurisdiction of the Confederation. In so doing they act in conformity to the Treaty of London of 1852, which says in Article III:—

"It is expressly understood that the reciprocal rights and obligations of Hi Majesty the King of Denmark, and of the Germanic Confederation, concerning the Duchies of Holstein and Lauenburg, rights and obligations established by the Federal Act of 1815, and by the existing Federal right, shall not be affected by the present Treaty."

But the including of Holstein and Lauenburg in this Article is, in fact, the excluding of the Duchy of Schleswig.

The non-German Powers, therefore, who signed the Treaty of London of 1852, are bound to look to the purpose of that Treaty. In the Preamble of the Treaty it is declared, "that the maintenance of the integrity of the Danish Monarchy as connected with the general balance of power in Europe, is of high importance to the preservation of peace."

It would seem, then, that Great Britain, France, Russia, and Sweden are bound to see that, in the course of these disputes, the integrity of the Danish Monarchy is not destroyed or impaired.

This is the more necessary, as some phrases in the late Austrian and Prussian notes might possibly be interpreted to imply that the integrity of the Danish Monarchy is of less consequence than the redress of grievances in Schleswig.

Her Majesty's Government now propose, therefore, that the Governments of Austria and Prussia, and the President of the Diet of Frankfort, should be asked to define:—

1st. What they consider to be the engagements of the King of Denmark towards Germany in respect to the Duchy of Schleswig?

2nd. In what respect the King of Denmark can be held to have violated those engagements?

3rd. Whether in obliging Denmark to respect those alleged engagements, the Powers in question, namely, Austria, Russia, and the German Confederation, have it in contemplation in any way to destroy or impair "the integrity of the Danish Monarchy?"

If the Government of the Emperor of the French agree to make these inquiries, Her Majesty's Ministers at Vienna, Berlin, and Frankfort, will be instructed accordingly.

I am, &c.

(Signed) RUSSELL.

P.S.—Your Excellency is authorized to give a copy of this despatch to M. Thouvenel.

R.

No. 236.

Lord Napier to Earl Russell.—(Received April 21.)

(Extract.) *St. Petersburgh, April 7, 1862.*

I HAVE communicated to Prince Gortchakoff that in the opinion of Her Majesty's Government, the affairs of Schleswig cannot be the motive of Federal action, properly so called, on the part of the Diet, but may afford matter for international remonstrance on the part of the German Powers.

Prince Gortchakoff declared that his opinion coincided with that of your Lordship, and in my presence informed the Prussian Minister that such was the case.

No. 236*.

Earl Russell to Sir A. Malet.

Sir, *Foreign Office, April 23, 1862.*

I HAVE received and laid before the Queen your despatch of the 4th instant, on the subject of the right of the Germanic Confederation to interfere in the question of Schleswig.

In order to have a right to interfere in Schleswig, which is a Danish and not a German Duchy, the Diet ought to show clearly what are the obligations contracted by Denmark towards the Confederation, and in what way those engagements have been infringed.

With respect to Holstein or Luxembourg, the Diet have a right to exercise the jurisdiction which lawfully belongs to the Confederation, but with respect to any part of Denmark or the Netherlands, the Confederation have no jurisdiction, and can only treat the questions that may arise on international grounds.

I am, &c.
(Signed) RUSSELL.

No. 237.

Earl Cowley to Earl Russell.—(Received April 23.)

(Extract.) *Paris, April 22, 1862.*

IT was not until this afternoon that I have had an opportunity of communicating to M. Thouvenel your Lordship's despatch of the 16th instant, relating to the question of the Danish Duchies.

M. Thouvenel said that he would reply to your Lordship's despatch through M. de Flahault, after receiving the Emperor's orders, but he showed great reluctance to taking the steps proposed in it.

No. 238.

Lord Bloomfield to Earl Russell.—(Received April 28.)

(Extract.) *Vienna, April 24, 1862.*

WITH reference to that part of Earl Cowley's despatch of the 11th instant, reporting a conversation with M. Thouvenel on the question of the Duchies of Schleswig and Holstein, which relates to the duty of the non-German Powers to exert their influence to avert the possibility of this long-vexed question leading to hostilities, and to the opinion given by the French Minister for Foreign Affairs that there was no imminent danger of the German Diet having recourse to arms, I have the honour to inform your Lordship that in my late conversations with Count Rechberg nothing has been said by his Excellency that would indicate a probability of negotiations with Denmark being interrupted by hostile demonstrations on the part of Germany.

No. 239.

Sir A. Malet to Earl Russell.—(*Received May* 5.)

My Lord, *Frankfort, May* 2, 1862.

A COMMUNICATION on the part of Austria and Prussia was made to the Diet yesterday, that the Envoys of those States at Copenhagen had presented to M. Hall the Resolution of the Diet, declaring adherence to the protests of Austria and Prussia against the proceedings of the Danish Reichsrath relating to Schleswig, as well as to all the other acts of the two great German Powers in their negotiations with Denmark.

The acknowledgment made by M. Hall of the receipt of this communication was also laid before the Diet.

The Diet, in reference to the attempt of the Danish Representative for Holstein and Lauenburg in the Diet to assume at the same time the character of Danish Envoy to the Diet, decided such a pretension to be inadmissible.

M. de Bülow renewed the protest already made by his Excellency on behalf of his Government against any interference of the Diet in the affairs of Schleswig.

The President hereupon (if I am rightly informed) made a distinct admission that the main questions concerning Schleswig were international, and to be treated as such, but upheld the Diet's right to protest against any proceedings of the Danish Government which contravened the engagements taken in 1851 and 1852 with regard to Schleswig.

I have, &c.

(Signed) A. MALET.

No. 240.

Mr. Paget to Earl Russell.—(*Received May* 5.)

My Lord, *Copenhagen, May* 1, 1862.

M. DE BULOW, the Danish Minister at Frankfort, having been instructed, as your Lordship is already aware, not to receive the communication of the adherence of the Diet to the protests of Austria and Prussia against the Rigsraad in the shape of an extract from its Protocols, but to insist upon the observance of the regular diplomatic form, I have the honour to inform you that the Austrian and Prussian Ministers communicated the Resolution of the Diet to the Danish Government about a fortnight ago.

A simple acknowledgment of receipt was the only answer returned.

I have, &c.

(Signed) A. PAGET.

No. 241.

Lord Napier to Earl Russell.—(*Received May* 11.)

My Lord, *St. Petersburgh, April* 30, 1862.

IN conformity with your Lordship's orders I waited on Prince Gortchakoff this forenoon, and placed in his hands your despatches of the 16th instant, having reference to the relations of the German Powers with the Duchies of Schleswig and Holstein.

With the sentiments expressed in your Lordship's instruction the Prince expressed himself entirely satisfied; and he congratulated himself on the general coincidence of your Lordship's views in this matter with his own.

To the overtures contained in your Lordship's despatch of the 16th instant the Prince, however, entertains some objections. His Excellency observed that he thought it would be premature and irritating to frame a formal combined remonstrance in the shape of the three questions proposed by your Lordship, to be addressed to the Cabinets of Berlin and Vienna and the Diet of Frankfort. The German Powers, said Prince Gortchakoff, had, indeed, in their recent communications, employed expressions which might be interpreted to invalidate the engagements of 1852, and might appear to imply that the integrity of the Danish Monarchy was an interest subordinate to the settlement of Schleswig; but these were inferences which we might deduce, not declarations distinctly made. To make a categorical demand upon the German Cabinets at this conjuncture, and on such grounds, might have something irritating, and might exasperate the national sentiments which were involved in this question. The Prince remarked that the desired

effect might be produced by the same suggestions offered in a gentle manner. He thought that your Lordship might address the three questions separately and confidentially to the Austrian and Prussian Governments, and should your Lordship adopt this course he, on his part, would support Her Majesty's Government by confidential communications in the same sense in the same quarters, particularly in reference to the implied invalidation of the engagements of 1852. His Excellency added that he had received an impression that the French Cabinet was disinclined to the measure proposed by your Lordship.

I have, &c.
(Signed) NAPIER.

No. 242.

Mr. Jerningham to Earl Russell.—(Received May 13.)

(Extract.) *Stockholm, May 5, 1862.*

I HAD the honour to receive, on the night of the 2nd instant, by the messenger Ball, your Lordship's despatch of the 16th ultimo, relative to the Duchy of Schleswig, and agreeably to your Lordship's authorization I lost no time in sending a copy of it to Count Manderström.

I saw his Excellency to-day, when he stated his general and personal concurrence in your Lordship's proposition, but added that he had not yet been able to communicate upon the subject with the King, though he had no doubt of His Majesty's partaking of a similar opinion, while he would let me know the Royal decision in the course of to-morrow, as I had decided on sending back the messenger the day after.

His Excellency added, that he should immediately address Count Wachtmeister in reply to my communication of your Lordship's despatch, when he would enter upon the necessary details as to the best mode of pursuing the course proposed.

Count Manderström further observed, that he presumed a like communication had been made by your Lordship at Paris and St. Petersburgh; that he feared it would be difficult, if not impossible, to obtain anything but a vague and evasive answer to the three questions, although they were no less searching than important; and that he felt anxious about the ulterior plan to be adopted in case the said answer should be unsatisfactory.

I replied that, having received nothing from your Lordship but the despatches which his Excellency had seen, I was unable to solve his surmises; but that, while I agreed with him in supposing that the French and Russian Governments must have received the same communication as the Swedish, it appeared to me very difficult for Germany to evade the third question about Danish integrity, whilst any attempt to do so might serve to prove hostile intentions, and to realize long-existing suspicions.

No. 243.

Mr. Jerningham to Earl Russell.—(Received May 13.)

My Lord, *Stockholm, May 6, 1862.*

REFERRING to my despatch of yesterday's date, I have the honour to state that the present messenger will convey to Count Wachtmeister this Government's reply to the proposal of Her Majesty's Government regarding Schleswig, and that the substance of it, according to what Count Manderström has had the goodness to make known to me is as follows:—that the King is highly gratified by your Lordship's friendly communication, which proves irrefragably the interest taken by the British Government in the maintenance of tranquillity and political equilibrium in the North; that His Majesty desires, without subjecting his decision to that of other Powers, to know if an analogous communication has been made to the Cabinets of Paris and St. Petersburgh, and to be informed of the reception it has met with; that Count Wachtmeister is also to concert with your Lordship regarding the form of the communication to be addressed to the German Powers, as well as respecting the time of making it; and that he is, moreover, to sound Her Majesty's Government as to any ulterior proceeding which it may be found advisable to adopt.

Count Manderström has further expressed to me his hope that this answer, which Count Wachtmeister is instructed to impart to your Lordship, will show the price attached by the Swedish Government to the step proposed.

I have, &c.
(Signed) G. S. S. JERNINGHAM.

No. 244.

Mr. Paget to Earl Russell.—(*Received May* 13.)

(Extract.) *Copenhagen, May* 6, 1862.

THE delay on the part of the German Cabinets in answering the last Danish despatch is a source of much irritation to the Cabinet of Copenhagen. Nearly two months have now elapsed since that despatch was forwarded, and the last advices received by M. Hall from Berlin inform him that the preparation of the answer has hardly yet begun. When completed, it will have to be submitted to the Austrian Government, so that on the shortest calculation it is very improbable it can be received at Copenhagen before June.

The natural impatience of the Danish Government at this unnecessary procrastination is augmented by the settled conviction they have acquired that the principal object of the Prussian Government in these negociations is to spin them out till they may judge the favourable moment is arrived for giving effect to measures of aggression. It is hardly surprising that such an opinion should be entertained when one considers what have hitherto been the results of the propositions made on the 26th of last October.

It was the intention of the Danish Government in the event, which has since taken place, of the Supplementary Budget being voted by the Rigsraad, to assemble the Holstein States and to apply to them for their quota towards it. This intention was founded on the expectation that the negotiations with the German Powers would have come to an issue by the present time; but as such is not the case all idea of convoking the States appears for the moment to be abandoned, and I cannot but think that the Government act wisely in taking this decision. If they were to assemble, under present circumstances, it is very certain that no good would come of their deliberations, and, judging from what took place last year, the great probability is that their debates would only add fuel to the fire, and produce, if that is possible, still further estrangement between themselves and the Danish Government.

No. 245.

Mr. Paget to Earl Russell.—(*Received May* 13.)

(Extract.) *Copenhagen, May* 9, 1862.

M. HALL read to me yesterday a despatch he is about to address to the Danish Ministers in London, Paris, St. Petersburgh, and Stockholm, in which he incloses a translation of the Report of the United Committees presented to the Diet in the sitting of the 1st of May, and of the declaration which was made by the Danish Envoy in reply.

As it, may, perhaps, be agreeable to your Lordship to peruse these documents before they are communicated to you by M. Bille, I inclose copies of the translations which have been given to me by M. Hall.

With regard to M. Hall's despatch, as your Lordship will so soon receive it *in extenso*, it is only necessary for me to give a very short summary of it.

The first part of it, which discusses the question of right and competence of the Diet in the line they have now adopted, appeared to me to be a paraphrase of M. de Bulow's declaration, and a defence of the policy pursued by the Danish Government. M. Hall reminds the Powers to whom this despatch is addressed of the concession of the Holstein Budget made last year, and of the conditions on which it was made. He calls attention to the fact that the Danish Government has as yet received no answer to their propositions of the 26th of October, and to that of two months having elapsed without any reply to the last despatch which was sent to Berlin and Vienna. He remarks that it may perhaps be a matter of indifference to the German Governments whether the questions in dispute are brought to a conclusion, but that it is of vital importance to the interests of Denmark they should be terminated without delay.

In conclusion M. Hall indicates the probability of its becoming at last necessary to have recourse to another course ("une autre voie") in which he hopes for the assistance of the non-German Powers; and this, coupled with the previous reference to what took place last year, leads to the impression that he will appeal to them for a Conference.

Inclosure 1 in No. 245.

Report of the United Committees presented to the Diet on the 1*st of May*, 1862.

(Traduction de l'Allemand.)

DANS la 13e séance du 27 Mars dernier le Ministre Président communiqua une note du 19 du même mois, dans laquelle l'Envoyé Danois pour le Holstein et le Lauenbourg

fait des réserves vis-à-vis du Rapport des Commissions réunies sur l'affaire constitutionnelle des Duchés mentionnés, soumis au vote de la Diète, ainsi que la réponse du 21 du même mois à cette note, contenant le contre réserves du Président. La haute Assemblée décréta de renvoyer la note de l'Envoyé Royal Danois, Ducal Holsteino-Lauenbourgeois aux Commissions réunies, en se référant du reste aux réserves prises déjà dans la réponse précitée du Président.

Dans ces circonstances les Commissions auraient bien pu différer de faire un Rapport sur la dite note jusqu'à ce que l'occasion se présentât de nouveau pour faire un Rapport sur l'affaire constitutionnelle des Duchés elle-même. Après réflexion ultérieure ils ont pourtant cru plus convenable de traiter dès-à-présent cet incident, afin d'obvier à des malentendus ou à des inductions erronées qui pourraient nuire à un résultat satisfaisant de négociations pendantes. La note mentionnée de l'Envoyé Royal Danois, Ducal Holsteino-Lauenbourgeois, dont le texte se trouve inséré au Protocole de la 13e séance, est d'avis que le Rapport des Commissions réunies du 13 Mars étend les discussions de la Diète à des actes qui ne regardent que la législation du Royaume de Danemark et du Duché de Slesvig, et fait entrer dans le mandat des Commissions nommées dans un autre but, des questions internationales. C'est contre le danger qu'encourent par suite de ce procédé les droits internationaux du Gouvernement Royal que la note entend faire ses réserves dans la forme qui correspond au droit compromis.

Suivant la conviction des Commissions, toute raison manque à cette réserve. Bien loin de viser à subordonner la position de la Couronne Danoise, pour les territoires n' appartenant pas à la Confédération, aux obligations acceptées pour le Holstein et le Lauenbourg, le Rapport du 13 Mars reconnaît expressément la différence qui existe entre le droit de la Diète relativement au Duché de Slesvig, qui n'appartient pas à la Confédération, et les droits Fédéraux par rapport au Duché de Holstein, et il parle de la base conventionnelle et internationale du premier de ces droits.

Mais en tout cas la réserve prise manque de tout fondement, puisque les actes auxquels elle s'adresse sont pleinement justifiés par les droits et le régime intérieure de la Diète. Les rapports internationaux eux-mêmes ne peuvent être traités par cette Assemblée que dans les formes ordinaires de ses délibérations. Ce genre d'affaires exige également un examen préalable et un rapport fait par des Commissions, et l'Arrêté doit être pris en vertu du Rapport des Commissions. Dans l'espèce, la Commission nommée pour l'affaire Constitutionnelle du Holstein et du Lauenbourg était d'autant plus indubitablement appelée à présenter un Rapport que les affaires du Slesvig et celles du Holstein, dans l'histoire aussi bien que dans le droit, sont de mainte manière connexes, se suppléent mutuellement et se combinent de sorte que certains rapports communs entrent jusque dans le droit Constitutionnel même du Duché de Holstein. Aussi les affaires des deux Duchés ont été jusqu'ici, et nommément dans les négociations de 1851 et 1852, traitées par les mêmes organes et en commun. La séparation et le partage des travaux préparatoires entre plusieurs Commissions de la Diète ne pourraient en aucune façon être utiles et amèneraient au contraire le danger d'une confusion. De ce même intérêt de l'expédition des affaires est résultée la participation de la Commission d'Exécution au Rapport du 13 Mars, et l'on serait d'autant moins fondé à élever des scrupules contre ce procédé qu'il ne s'agit pas d'étendre l'Exécution Fédérale au Slesvig. Mais enfin, abstraction faite de toutes ces considérations, évidemment une Puissance Européenne qui n'est point liée par le régime intérieur de la Diète, ne pourrait d'aucune manière voir un danger pour ses droits dans les dispositions de ce régime intérieur, et dans le choix et la composition des Commissions, ni vouloir exercer par des protestations une influence sur le réglement. C'est conforme au droit et dans l'espèce aux convenances de la Diète de décliner nettement toute tentative de cette nature.

Dans ce sens la réponse du Président du 21 Mars a déjà réservé en faveur de la Diète tous les droits et notamment ceux qui résultent pour la Confédération des Actes passées en 1851 et 1852, et cette réserve, en la transmettant conjointement avec la note précitée aux Commissions réunies, la Diète l'a approuvée. Ces réserves doivent ainsi être maintenues dans toute leur plénitude.

Mais la note de l'Envoyé du Danemarc pour le Holstein et le Lauenbourg donne aussi d'un autre côté lieu à une explication réservatoire de droits existants.

Quand il est dit dans cette note que l'Envoyé vient protester contre le préjudice porté au droit international du Gouvernement Royal, et qu'il le fait dans la forme appropriée au caractère du droit compromis, il semble qu'on veuille attribuer à cette pièce un caractère particulier et en quelque sorte international. Et si l'on rapproche de cette prétention le refus de l'Envoyé de se charger de communiquer à son Gouvernement la Résolution Fédérale du 27 Mars dernier dans la forme prescrite par le réglement de la Diète, et en même temps son offre de la transmettre dans une autre forme, on pourrait être induit à

conclure de là que l'Envoyé du Danemarc serait revêtu d'une double charge, et serait appelé à agir en deux qualités, d'abord à titre d'Envoyé Danois auprès de la Diète Fédérale pour le Holstein et le Lauenbourg, et ensuite à titre d'Envoyé Danois en dehors de l'Assemblée Fédérale.

Or, une pareille duplicité de position n'étant pas fondée en droit ne peut être accordée, et jusqu'à ce jour on n'avait jamais tenté de l'établir, ni en théorie ni en pratique. La distinction entre les membres votants de la Diète et des Envoyés accrédités auprès de la Confédération est une distinction établie en droit des gens qui pénètre tout le système. Les Envoyés qui votent n'ont que ce caractère-là et ne sont point concurremment représentants de leur Souverain, comme Potentat étranger, auprès de la Confédération. Ceux-là parmi les Souverains qui ne font partie de la Confédération que pour une portion de leurs Etats n'ont jamais prétendu à une pareille duplicité de position pour leurs Envoyés à la Diète ; ils ont conduit toutes leurs relations avec la Confédération par l'entremise de leurs Envoyés à la Diète, et simplement par la voie qui leur est prescrite dans leur qualité de Membres de la Diète. Et c'est là spécialement ce que Sa Majesté le Roi de Danemark a pratiqué depuis des années.

La haute Assemblée Fédérale ne peut avoir aucun motif pour admettre une modification arbitraire de cet état de choses, et non seulement elle voudra sans doute protester contre toute interprétation dans ce sens de la note du 19 Mars dernier de l'Envoyé du Danemark pour le Holstein et le Lauenbourg, mais elle croira devoir refuser d'accepter à l'avenir toute note révélant une manière de voir semblable.

En raison de ces considérations les Commissions réunies proposent à la haute Assemblée de résoudre :—

1. Qu'elle ne peut considérer comme bien fondées les protestations et réserves faites dans la note du 19 Mars dernier de l'Envoyé du Danemark pour le Holstein et le Lauenbourg.

2. Que bien plutôt elle réserve vis-à-vis de cette note, comme cela a été fait déjà dans la note présidiale du 21 Mars dernier, tous les droits qui appartiennent à la Confédération en vertu de la Constitution Fédérale des réglements de l'Assemblée ou des Traités spéciaux, et tout particulièrement par suite des arrangements intervenus en 1851 et 1852 entre les Gouvernements Impérial Autrichien et Royal Prussien au nom de la Confédération d'un côté et le Gouvernement Royal Danois, Grand Ducal Holsteinois et Lauenbourgeois de l'autre.

Inclosure 2 in No. 245.

Declaration made by M. de Bulow in the Sitting of the Diet of the 1st May, 1862.

(Traduction.)

DANS les propositions qui viennent d'être soumises à la Diète, les Commissions réunies ont cru devoir soutenir la légalité de l'attitude que la Confédération Germanique a voulu prendre dans une question de caractère international et devoir maintenir les règles du régime intérieur de la haute Assemblée. L'Envoyé, en ce qui concerne le dernier point, se bornera à cette remarque, que son Gouvernement n'a nulle prétention d'exercer une influence quelconque sur ce régime, et qu'il s'est uniquement préoccupé de se garantir contre l'imminence d'une lésion de ses droits. Quant au reste il peut se contenter de rappeler ses déclarations, votes et protestations consignés dans le Protocole de la treizième sèance ; car on ne saurait soutenir en effet que leur valeur en droit public soit susceptible d'être amoindrie par des Résolutions de cette haute Assemblée qui, de l'aveu de tous, s'appuient sur une base internationale.

Bien que, par conséquent, l'Envoyé ne soit pas tenu vis-à-vis de ces propositions à sortir d'une protestation générale, réservant des explications ultérieures ainsi que tous les droits, toutefois les motifs du Rapport sont conçus en termes qui l'obligent à faire dès-à-présent quelques observations au Protocole à titre d'eclaircissements et de réservations.

La note que l'Envoyé avait adressée à la date du 19 Mars à l'Envoyé Président se trouve dans cet exposé de motifs qualifiée d'indmissible par cette raison déjà, qu'une pareille communication n'aurait pas dû se faire sous cette forme, et parceque l'Envoyé avait pris le parti de la rédiger et remettre sous une forme particulière et en quelque sorte internationale. Touchant ce dernier point, l'Envoyé fera d'abord remarquer que dans la note en question il ne s'est attribué aucune qualification autre que celle-là même qui se trouve énoncée dans les pleins pouvoirs et lettres de créance de son Souverain qui lui ont été donnés, ainsi qu'ils l'avaient été à ses deux prédécesseurs, et qui ont été acceptés par la haute Assemblée, à savoir, " Envoyé Plénipotentiaire auprès de la Diète

Fédérale Germanique." Et quand Sa Majesté le Roi a dérivé de ces pleins pouvoirs la faculté de se faire représenter par son Envoyé également comme Souverain d'Etats non compris dans la Confédération, il n'est aucunement nécessaire pour justifier cette prétention de se prévaloir de la communauté en affaires diplomatiques établie par les lois fondamentales de la Monarchie Danoise ; il suffit de rappeler les principes Monarchiques sur lesquels s'appuient les Traités Fédéraux. On ne saurait soutenir d'ailleurs que le même cas ne se soit jamais présenté auparavant ; en effet, à n'envisager que la question de principe, on ne comprend pas pourquoi, par exemple, le Gouvernement Danois ne ferait pas représenter vis-à-vis de la haute Assemblée Fédérale les intérêts et les droits d'un citoyen appartenant au Royaume proprement dit, sous une autre forme que lorsqu'il s'agit de ceux d'un Lauenbourgeois. Et de fait, sans chercher plus loin, est-ce que dans la séance du 3 Octobre, 1850, après avoir voté sur la ratification de la paix conclue à Berlin le 2 Juillet de la même année comme Plénipotentiaire pour le Holstein et le Lauenbourg, l'Envoyé du Roi de Danemark n'est pas venu (comme l'Annexe 2 du Protocole de la douzième séance du 26 Octobre, 1850, en fait foi), échanger, en qualité de Représentant du Danemark cette fois, les documents de ratification de cette paix avec l'Envoyé Président comme Représentant de Confédération Germanique? En d'autres termes l'Envoyé Danois n'a-t-il pas dans cette occasion pris position en dehors de la Diète, et n'a-t-il pas été reconnu comme chargé d'une négociation vis-à-vis du Président de l'Assemblée ?

Quant à ce qui concerne la forme enfin, l'emploi d'une note n'est pas défendu apparemment. Il ne l'est ni par les règles du régime intérieur de l'Assemblée ni par les usages reçus. Beaucoup de communications en affaires purement Fédérales se font dans cette forme. L'Envoyé Danois lui-même a eu l'honneur de recevoir de la part de l'Envoyé Président des notes officielles et d'y répondre dans la même forme, de même qu'il a été dans le cas d'avoir à adresser de pareilles notes à différentes Commissions. Le Gouvernement Royal a donc tout lieu de se persuader qu'en se servant d'une forme qui lui a semblée appropriée à la circonstance, il n'a fait que pratiquer un droit irrécusable suivant sa nature et de plus conforme aux usages reçus, tout comme il est constant pour lui que la prescription réglementaire pour la manière de donner connaissance des Résolutions Fédérales, dans les affaires intérieures des Etats de la Confédération, ne saurait régulièrement être appliquée à la réception d'une protestation internationale.

Sous le point de vue de la réalité le Rapport des Commissions estime que rien absolument n'a pu provoquer la note en question, et que rien absolument n'en justifie les conclusions. Or, l'Envoyé bornera sa réponse à réserver simplement les droits de son auguste Souverain. Et tout en ne voulant pas s'engager dans une discussion international, il rappellera du moins que la connexité du droit public Holsteinois et du droit public Slesvigois que l'on prétend faire admettre, n'a jamais à quelque époque et dans quelques circonstances que ce soit, été reconnue pour vraie par le Roi de Danemark.

Bien au contraire, les conséquences qu'on a essayé de déduire de cette prétendue connexité pour étendre la compétence de la Confédération, ne justifient que trop évidemment la protestation préalable formulée par le Gouvernement Danois et la crainte qui le préoccupe de voir tirer parti d'une discussion subie dans les formes réglementaires pour établir par la force de la chose préjugée une connexité matérielle des intérêts en question qui serait incompatible avec les Traités et avec l'independance du Danemark. Lorsque à la deuxième page du Rapport il est dit à ce sujet, "Dans l'espèce, la Commission nommée pour l'affaire Constitutionnelle du Holstein et du Lauenbourg était d'autant plus indubitablement appelée à présenter un Rapport, que les affaires du Slesvig et celles du Holstein, dans l'histoire aussi bien que dans le droit, sont de mainte manière connexes, se suppléent mutuellement et se combinent de sorte que certains rapports communs entrent jusque dans le droit Constitutionnel même du Duché de Holstein. Aussi les affaires des deux Duchés ont été jusqu'ici, et nommément dans les négociations de 1851 et 1852, traitées par les mêmes organes et en commun :"— il est nécessaire de faire remarquer tout d'abord qu'en 1851 et 1852 il s'agissait uniquement de négociations internationales, et après cela, dans cette enceinte, d'une communication des Cours de Vienne et de Berlin qui n'a été suivie, chacun le sait, que d'un scrutin et d'une Résolution Fédérale relative seulement au Holstein et au Lauenbourg. Il convient de rappeler d'ailleurs que suivant la Patente Royale du 28 Janvier, 1852, laquelle fut reconnue dans la dite Résolution pour clôre le différend d'une manière satisfaisante, certaines affaires et certains établissements sont reputés communs aux Duchés de Holstein et de Slesvig, affaires et établissements qui sont dénommés et expressément désignés comme "non-politiques," mais nullement comme institutions de droit public, tandis que toutes affaires communes autres que celles-là ne seraient reconnues communes pour le Holstein et le Slesvig qu'autant qu'elles le fussent pour l'ensemble des portions

de la Monarchie (voir entre autres pièces celle jointe à l'Annexe 7 de la séance 26 du 29 Octobre, 1857, page 695 du Protocole).

En conséquence de ce qui précéde, l'Envoyé n'a d'autre conduite à tenir que de formuler séance ténante sa protestation, en premier lieu contre le dangereux caractère d'une communauté, en second lieu contre l'application que l'on prétend déduire du premier point de la compétence réclamée pour le Holstein sur le droit public du Slesvig.

Au surplus, l'Envoyé n'entend point participer au scrutin.

No. 246.

Prince Gortchakoff to Baron Brunnow.—(*Communicated to Earl Russell by Baron Brunnow, May* 16.)

M. le Baron, *St. Pétersbourg, le* 25 *Avril*, 1862.

L'EXPEDITION que j'ai eu l'honneur d'adresser à votre Excellence le $\frac{4}{16}$ Avril s'est croisée avec des dépêches que, sous la même date, le Comte Russell a fait parvenir à l'Ambassadeur de Sa Majesté Britannique à St. Pétersbourg et qui sont également relatives à l'affaire Dano-Allemande. Lord Napier a bien voulu me les communiquer, et je crois devoir les joindre à la présente.

En prenant connaissance de mes dépêches du $\frac{4}{16}$ Avril, le Ministre Anglais aura déjà pu se convaincre qu'un parfait accord existe entre nos deux Cabinets sur la nécessité, pour les Grandes Puissances de l'Europe, de prendre en sérieuse considération la situation où les dernières résolutions adoptées à Francfort-sur-Maine ont placé la question Slesvigoise proprement dite ; sur l'essai de la Diète d'étendre la compétence Fédérale aux affaires intérieures du Duché de Slesvig ; sur la vraie signification du Traité conclu à Londres le 8 Mai, 1852 ; enfin, sur la tendance que trahissent certains passages des dépêches Austro-Prussiennes des 8 et 14 Février à faire envisager les engagements de Londres comme conditionnellement contractés par les deux Cours Allemandes et comme étant à leurs yeux de moindre importance que le redressement de leurs griefs concernant le Slesvig.

Le Comte Russell rappelle que les Puissances non-Allemandes ont, d'accord avec l'Autriche et la Prusse, reconnu "que le maintien de l'intégrité de la Monarchie Danoise, lié aux intérêts généraux de l'équilibre Européen, est d'une haute importance pour la conservation de la paix, et qu'en prenant des engagements formels en conséquence elles ont expressément réservé les droits et les obligations réciproques du Danemarc et de la Confédération Germanique concernant les Duchés de Holstein et de Lauenbourg," sans comprendre le Slesvig dans cette réserve ; et il pense que la Russie, la Grande Bretagne, et la France auraient plus particulièrement besoin de s'éclairer tant auprès des Cours de Vienne et de Berlin qu'auprès de la Diète Germanique sur leurs intentions éventuelles dans la poursuite de leur différend avec le Danemarc. A cet effet le Ministre Anglais propose d'adresser aux deux Puissances Allemandes ainsi qu'à la Diète trois questions qui résument en quelque sorte l'ensemble de la situation actuelle de l'affaire Dano-Allemande et les incertitudes et doutes qui en résultent pour les autres Puissances amies du Danemarc.

Le Cabinet Impérial se plait à reconnaître, M. le Baron, qu'une interpellation telle que le Comte Russell l'a formulée avertirait l'Allemagne que des tentatives que font deviner, sinon entrevoir plus clairement, ses réserves et ses insinuations, quelque vagues qu'elles soient d'ailleurs, ne passent point inaperçues chez les autres Grandes Puissances. Mais il nous paraît que pareil avertissement exprimé collectivement ne serait ni d'une utilité réellement pratique que lorsque les négociations qui se poursuivent encore seraient définitivement rompues, et qu'il fallût renoncer à l'espoir de voir les parties arriver enfin à un arrangement à l'amiable sans une intervention plus directe des Puissances non-Allemandes. A en juger par une communication Française que nous avons reçue tout récemment, et dont le Cabinet Britannique a, sans aucun doute, eu connaissance, celui des Tuileries inclinerait aussi pour l'ajournement de toute démarche collective, soit protestation, soit simple interpellation, qui engagerait prématurément les Puissances intervenantes au delà du but de conciliation qu'elles ont en vue.

J'aime à croire, M. le Baron, que ces considérations, que votre Excellence voudra bien présenter à l'appréciation du Ministère Britannique, en lui donnant lecture et copie de la présente dépêche, seront accueillies par lui dans le même esprit qui les a dictées. Ainsi que le Comte Russell a bien voulu l'observer, il est essentiel que les Grandes Puissances non-Allemandes se montrent parfaitement d'accord tant à Copenhague que vis-à-vis de l'Allemagne, dans l'affaire du Holstein et celle du Slesvig.

Recevez, &c.

(Signé) GORTCHAKOFF.

(Translation.)

M. le Baron, *St. Petersburgh, April* 25, 1862.

THE instructions which I had the honour to address to your Excellency on the $\frac{4}{16}$th of April passed on their way despatches of the same date which Earl Russell transmitted to Her Britannic Majesty's Ambassador at St. Petersburgh, which also relate to the Danish-German affair. Lord Napier was so good as to communicate them to me, and I think it right to annex them to this despatch.

In taking cognizance of my despatches of the $\frac{4}{16}$th of April, the English Minister may have been able to convince himself already that perfect accord exists between our two Cabinets as to the necessity for the Great Powers of Europe to take into serious consideration the situation in which the last Resolutions adopted at Frankfort-on-Maine have placed the Schleswig question properly so called; in regard to the endeavour of the Diet to extend the Federal powers to the internal affairs of the Duchy of Schleswig; with respect to the true import of the Treaty concluded at London on the 8th of May, 1852; lastly, as to the tendency betrayed in certain passages of the Austro-Prussian despatches of the 8th and 14th of February to cause the engagements of London to be regarded as conditionally contracted by the two German Courts, and as being in their sight of less importance than the redress of their grievances in the matter of Schleswig.

Earl Russell recites that the non-German Powers have, in accord with Austria and Prussia, recognized "that the maintenance of the integrity of the Danish Monarchy, joined with the general interests of the European equilibrium, is of high importance for the preservation of peace, and that in making formal engagements in consequence they have expressly reserved the rights and the reciprocal obligations of Denmark and of the German Confederacy in relation to the Duchies of Holstein and of Lauenburg," without including Schleswig in this reserve; and he considers that Russia, Great Britain, and France, more particularly, need to be plainly understood as much at the Courts of Vienna and Berlin as before the Germanic Diet, as to their ultimate intentions in the adjustment of their difference with Denmark. With this object the English Minister proposes to address to the two German Powers, as well as to the Diet, three questions, in which is included, in a manner, the whole aspect of the present state of the Danish-German affair, and the uncertainties and doubts which result from it to the other Powers friendly to Denmark.

The Imperial Cabinet gladly acknowledges, M. le Baron, that an appeal such as Earl Russell has put on record would warn Germany that attempts which give us to guess, if not to perceive more clearly, her reserves and her insinuations, however vague they may appear in other aspects, do not pass unnoticed by the other Great Powers. But it seems to us that such a warning, collectively given, would neither be of really practical utility until after that the negotiations which are still being carried on shall be definitely broken off, and it shall have been necessary to renounce the hope of seeing the parties arrive at last at an amicable arrangement without a more direct intervention by the non-German Powers. To judge by a French communication which we have quite recently received, and with which the British Cabinet is doubtless acquainted, the Cabinet of the Tuileries will also be inclined to adjourn all collective proceedings, whether they be protests or mere interrogatories, which should engage prematurely the mediating Powers to a course beyond the point of reconciliation which they have in view.

I wish to believe, M. le Baron, that these considerations, which your Excellency will be so good as to offer to the appreciation of the British Minister, giving him this despatch to read and a copy thereof, will be received by him in the same spirit as that which dictated them. As Earl Russell has observed, it is essential that the great non-German Powers should show themselves perfectly agreed both at Copenhagen and before Germany, in the affair of Holstein and that of Schleswig.

Accept, &c.

(Signed) GORTCHAKOFF.

No. 247.

M. Hall to M. de Bille.—(*Communicated to Earl Russell by M. de Bille, May* 16, 1862.)

Monsieur, *Copenhague, le* 8 *Mai,* 1862.

LA Diète de Francfort ne s'est pas contentée de la démarche dont je vous ai entretenu dans mes dépêches du 20 et 25 Mars dernier. Dans la séance du 1 Mai elle est encore une fois revenue là-dessus, pour adopter un nouveau Rapport des Commissions réunies dont je joins copie, ainsi que du vote de l'Envoyé du Roi dans cette occasion.

Je n'entrerai dans aucun détail relativement à la argumentation de cette pièce. D'un côté je suis parfaitement d'accord avec la Diète dans l'appréciation du caractère intérieur du régime de ses délibérations. Aussi n'avons-nous jamais entendu nous mêler du règlement d'une Assemblée qui est et doit rester tout-à-fait étrangère au Gouvernement du Roi hors le Holstein. Tout ce que nous avons fait, ça été de signaler les conséquences d'une portée extérieure qui pourraient résulter de la confusion formelle entre une affaire fédérale et une question internationale. Or, la remarque du Rapport, que la manière de procéder de la Diète n'aurait pas pour suite d'étendre l'Exécution Fédérale au Slesvig, ne nous rassure que médiocrement, attendu que jamais l'idée ne s'était présentée à notre esprit ni, j'ose le dire, à l'esprit de qui que ce soit, qu'une Exécution Fédérale pût se faire dans un territoire non-Fédéral. Nous avions appelé l'attention sur l'éventualité que la combinaison irrégulière de deux questions d'une nature si diverse pourrait suggérer à la Diète le projet d'une Exécution dans le Holstein comme un moyen propre pour forcer la main au Gouvernement du Roi à l'égard du Slesvig. C'est contre une telle conséquence illégitime que nous avons voulu faire nos réserves, et je regrette de dire que les explications du Rapport n'ont pu nous convaincre de la superfluité de la protestation que nous avons formulée contre une Exécution soi-disant Fédérale, mais qui ne serait, en réalité, qu'une mesure coércitive d'une nature évidemment internationale.

De l'autre côté, je n'ai pas besoin de suivre le Rapport dans ses réflexions sur la position de l'Envoyé du Roi près la Diète. Je mets en fait que dans l'enceinte de l'Assemblé Fédérale M. de Bulow ne représente le Roi que pour tout ce qui regarde la position Fédérale du Holstein et du Lauenbourg. Dès que des affaires internationales et notamment celles des parties de la Monarchie Danoise qui n'appartiennent pas à la Confédération se débattent entre le Roi de Danemark et la Diète, elles revêtent évidemment les formes ordinaires acceptées par le droit des gens. Que les autres Souverains qui également ne sont entrés dans la Confédération que pour une partie de leurs territoires préfèrent traiter leurs intérêts internationaux avec la Diète dans les formes Fédérales, c'est leur affaire ; mais ce qui est certain, c'est qu'un pareil usage ne peut en aucune façon entraver ou obliger le Gouvernement du Roi dans l'exercice d'un droit qui lui appartient en vertu des principes du système international de l'Europe.

Mais si, à l'égard de la partie démonstrative du Rapport adopté, je peux me borner à ces courtes remarques, dont la justesse tombe sous le sens, il n'en est pas de même du passage dans lequel la Diète prétend établir une connexité entre le droit public du Holstein et celui du Slesvig. Car tout en ayant l'air de ne vouloir que maintenir dans ce nouvel Arrêté la position qu'elle a tenté de prendre dans l'Arrêté précédent, la Diète s'attache néanmoins à arriver, dès-à-présent, à une nouvelle étape de la route qu'elle s'est tracée ; et bien qu'elle répète à plusieurs reprises dans son Arrêté du 1 Mai que ses prétendus droits à l'égard du Slesvig sont d'une nature internationale, elle essaye en même temps de jeter une toute autre base pour l'avenir. Cette idée est exprimée incidemment et tout en passant dans l'exposé des motifs ainsi qu'il suit :—"Les affaires du Slesvig et celles du Holstein sont dans l'histoire aussi bien que dans le droit de mainte manière connexes, elles se suppléent mutuellement et se combinent de sorte que certains rapports communs entrent jusque dans le droit constitutionnel même du Duché de Holstein." Cette communauté entre le Duché Allemand de Holstein et le Duché Danois de Slesvig que la Diète proclame aujourd'hui, ne se renfermera guère dans les établissements communs que la Patente Royale du 28 Janvier, 1852, admettait, en leur refusant d'ailleurs tout caractère politique ; car elle ne ressemble malheureusement que trop aux principes Slesvig-Holsteinois qui déjà une fois ont troublé la paix du Nord. Les expressions du Rapport sont vagues, il est vrai ; mais elles sont d'autant plus propres à servir plus tard, et elles présentent un cadre assez large qu'on ne se fera pas faute de remplir dès que le moment opportun arrivera.

Voyons un instant à quoi nous a servi cette négociation que nous n'avons essayée qu'à cause des instances des Puissances amies et pour laquelle nous avons fait le sacrifice du 29 Juillet dernier.

Grâce à toute espèce de scrupules de la Prusse et de l'Autriche la négociation, qui de l'aveu de tout le monde avait besoin d'être conduite sans d'inutiles délais, n'a pu s'engager que vers la fin du mois d'Octobre. Et aujourd'hui encore, bien que sept mois se soient écoulés, les Puissances Allemandes n'ont pas consenti à se prononcer sur nos propositions du 26 Octobre. Dans notre dernière dépêche nous avons sollicité une réponse, mais depuis deux mois déjà nous en sommes à attendre les effets de ce nouvel appel. C'est ainsi que l'Allemagne s'attache à vider un différend dont la solution devient de plus en plus urgente. Elle ne s'applique à rien, si ce n'est à étendre la base de l'immixtion dans les affaires intérieures de la Monarchie. Jusqu'à présent la Diète

n'avait pas essayée de dépasser dans ses demandes les limites du territoire Fédéral. Les deux mandataires de la Confédération ont cru pouvoir insister auprès du Danemark pour avoir une reconnaissance des Actes passés en 1851 et 1852, tout spécialement en tant qu'ils concernent le Slesvig, avant d'entrer en discussion sur la position constitutionnel du Holstein. La Diète de son côté a non seulement adhéré à cette sommation, mais mieux encore elle a confondu les deux questions dans la même délibération, et elle a créée une connexité formelle très dangereuse en saisissant la Commission d'Exécution de la question de ces prétentions relatives au Slesvig. En dernier lieu enfin, la Diète a été jusqu'à vouloir poser de son autorité une connexité réelle entre le droit public du Holstein et celui du Slesvig, qui équivaudrait en vérité à une extension de l'action Fédérale aux parties non-Fédérales de la Monarchie.

Mais, plus l'Allemagne pousse ses prétentions à l'égard du Slesvig, plus elle touche à un terrain incontestablement international ; et plus elle confond ces prétentions avec la question du Holstein, plus elle justifie elle-même une intervention Européenne qui aurait pour but de trancher ce conflit dans son ensemble.

On comprendra facilement que les négociations ne pourront se continuer longtemps si elles ne sortent pas de l'ornière où elles sont engagés. Il peut convenir aux intérêts de l'Allemagne de traîner en longueur cette affaire vitale pour le Danemarc ; mais elle est mal-venue à demander que ce pays laisse en suspens tout son développement intérieur, pour espérer au résultat de "négociations pendantes" qui ne marchent pas, et dont la conduite se fait de telle sorte que, si l'on ne veut pas précisément dire que l'Allemagne les a interrompues, c'est uniquement, qu'à vrai dire, elle ne les a jamais réellement entamées.

Ainsi le moment n'est peut-être pas éloigné où le Gouvernement du Roi se verra dans la nécessité de chercher à obtenir une solution par une autre voie. Et lorsque ce moment se présentera, nous sommes fermement convaincus que, quelle que soit la voie par où il faille chercher la solution, les Puissances amies se souviendront des conditions et des promesses qui accompagnaient l'Acte du 29 Juillet dernier, et qu'elles prêteront au Danemarc le concours qu'on nous fit espérer pour le cas où les négociations directe viendraient à échouer.

Je vous prie, Monsieur, de vous expliquer vers le Ministre des Affaires Etrangères dans ce sens, et de lui laisser copie de cette dépêche ainsi que de ses annexes.

J'ai, &c.

(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, May* 8, 1862.

THE Frankfort Diet has not been content with the step of which I advised you in my despatches of the 20th and 25th of March last. In the sitting of the 1st of May it once more returned to the subject, in order to adopt a new Report of the United Commissions, of which I inclose a copy, together with a copy of the vote of the King's Envoy on that occasion.

I will not enter into any detail relative to the argument of this document. On the one hand, I perfectly agree with the Diet in its appreciation of the internal character of the scope of its deliberations. Nor have we ever intended to meddle with the constitution of an Assembly which is and which ought to remain altogether foreign to the Government of the King, exclusive of Holstein. All that we have done has been to point out the consequences of the outward action which would result from the confusion of form between a Federal affair and an international question. Now the assertion of the Report that the Diet's manner of proceeding would not necessarily extend the Federal Execution to Schleswig does not half reassure us, inasmuch as the idea has never entered our minds, nor, I venture to say, the mind of any one else, that a Federal Execution can take place in a non-Federal territory. We had called attention to the eventuality that the irregular combination of two questions of so different a character might suggest to the Diet the project for an Execution in Holstein as an evident means for forcing the hand of the King's Government in regard to Schleswig. It is against such an unnatural consequence that we have wished to make a reservation, and I regret to say that the explanations of the Report have been unable to convince us of the uselessness of the protest that we have entered against a so-called Federal Execution, but which would in reality be only a coercive measure, of an evidently international nature.

On the other hand, I do not want to follow the Report in its reflections upon the position of the King's Envoy at the Diet. I lay down as a fact, that in the midst of the Federal Assembly M. de Bulow only represents the King in everything which relates to the Federal position of Holstein and Lauenburg. As soon as international affairs—and

especially those relating to parts of the Danish Monarchy which do not belong to the Confederation—are made subject of debate between the King of Denmark and the Diet, they evidently become clothed in the ordinary forms accepted by the law of nations. As regards other Sovereigns, who have equally entered the Confederation for only a part of their territories, it is their own affair if they prefer to treat their international interests with the Diet in accordance with Federal forms; but this is certain, that a like custom cannot by any means bind or oblige the King's Government in the exercise of a right which belongs to them by virtue of the first principles of the international law of Europe.

But if, with regard to the argumentative portion of the Report adopted, I may confine myself to those short remarks, the justice of which is evident to the senses, it is not so of the passage in which the Diet pretends to establish a connection between the public right of Holstein and that of Schleswig. Because although having the appearance of wishing only to maintain in this new Resolution the position it has attempted to take in the preceding Resolution, the Diet, nevertheless, endeavours to arrive henceforth at a new stage in the route which it has traced for itself; and although it repeats many times in its Resolution of the 1st of May that its pretended rights in regard to Schleswig are of an international nature, it endeavours at the same time to establish altogether a different basis for the future. This idea is expressed incidentally and quite casually in setting forth the reasons, as follows:—"These affairs of Schleswig and those of Holstein are, in history as well as in right, in several ways connected; they supply each other's deficiencies, and combine together, so that certain relations in common between them enter even into the constitutional right itself of the Duchy of Holstein." This community between the German Duchy of Holstein and the Danish Duchy of Schleswig, which the Diet proclaims to-day, can hardly be included in the common establishments which the Royal Patent of the 28th of January, 1852, admitted, while refusing them in other respects all political character; because it unfortunately only resembles too much those Schleswig-Holstein principles which have once already troubled the peace of the North. The expressions of the Report are vague, it is true, but they may be all the more useful later, and they present a large enough framework, which we shall not fail to fill up when the opportune moment shall arrive.

Let us see an instant of what use this negotiation has been to us, which we have only attempted at the instance of friendly Powers, and for which we made the sacrifice of the 29th of July last.

Thanks to every kind of scruples of Prussia and Austria the negotiation, which in the opinion of the whole world needed to be concluded without useless delays, could only be entered into towards the end of the month of October; and even to-day, although nearly seven months having slipped away, the German Powers have not consented to give an opinion upon our propositions of the 26th October. In our last despatch we begged for an answer, but for two months we have been waiting for the effect of this new appeal. It is thus that Germany applies herself to exhausting a difference the solution of which becomes more and more urgent. She applies herself to nothing but to extending the basis for interference in the internal affairs of the Monarchy. Up to the present time the Diet has not tried to overstep in its demands the limits of the Federal territory. The two Representatives of the Confederation have fancied that they could insist on obtaining from Denmark a recognition of the Acts passed in 1851 and 1852, most especially inasmuch as they concern Schleswig, before entering into discussion upon the Constitutional position of Holstein. The Diet, on its side, has not only adhered to this summons, but still further it has confounded the two questions in the same deliberation, and it has created a very dangerous formal connection by submitting to the Commission of Execution the question of the pretensions in regard to Schleswig. In the last place, the Diet has been on the point of wishing to establish by its authority a real connection between the public right of Holstein and that of Schleswig, which would be equivalent, in fact, to an extension of the Federal action to non-Federal parts of the Monarchy.

But the more Germrny pushes her pretensions in regard to Schleswig, the more she touches on a ground which is incontestably international, and the more she confounds these pretensions with the question of Holstein the more she herself justifies a European intervention, which would have for its end to decide this conflict in its entirety.

It will be easy to understand that the negotiations cannot be protracted, if they cannot get out of the groove in which they have stuck. It may be convenient to the interests of Germany to drag out to its utmost length this affair, so vital to Denmark; but she is ill-advised to ask that this country should leave in suspense all its internal development, in order to hope for a result from "pending negotiations" which do not advance, and the conduct of which shows itself to be of that kind that, if one cannot say precisely

that Germany has interrupted them, it is simply, to say the truth, that she has never really opened them.

Thus, the moment is perhaps not distant when the Government of the King will find themselves obliged to obtain a solution by another channel; and when this moment shall arrive, we are firmly convinced that, whatever the channel may be by which it will be necessary to seek the solution, friendly Powers will remember the conditions and the promises which accompanied the Act of the 29th of July last, and will lend to Denmark the support which we were led to hope for in case direct negotiations should fail.

I beg you, Sir, to explain yourself to the Minister for Foreign Affairs in this sense, and to leave with him a copy of this despatch, and of its inclosures.

I have, &c.
(Signed) C. HALL.

Inclosure 1 in No. 247.

Report of the United Committees presented to the Diet on the 1st of May, 1862.

[See Inclosure 1 in No. 245.]

Inclosure 2 in No. 247.

Declaration made by M. de Bulow at the same sitting of the Diet.

[See Inclosure 2 in No. 245.]

No. 248.

Earl Russell to Lord Napier.

My Lord, *Foreign Office, May* 28, 1862.

BARON BRUNNOW has read to me and given me a copy of a despatch which Prince Gortchakoff has addressed to his Excellency in reply to my instruction to your Excellency of the 16th ultimo.

I inclose for your information a copy of that paper,* and I have to observe thereupon that Her Majesty's Government would be unwilling to take such a step as they had suggested, unless the Government of France and Russia had been willing to act at the same time.

Her Majesty's Government are happy to find that the Government of the Emperor of Russia attach the same importance which they do to the independence and integrity of Denmark. They are quite willing to postpone any communication to the German Powers until they are asked by Germany or by Denmark to take a part in these discussions. They have no wish to act prematurely on so troublesome a matter.

I am, &c.
(Signed) RUSSELL.

No. 249.

Mr. Paget to Earl Russell.—(Received June 2.)

(Extract.) *Copenhagen, May* 29, 1862.

I GATHER from my recent conversations with M. Hall that if there is a much longer delay on the part of Austria and Prussia in replying to his Excellency's despatch of the 12th of March last, the Danish Government will be inclined to regard the negotiations with those Powers as *de facto* terminated, and to have recourse to such measures as they may deem advisable for establishing the future position of Holstein towards the other parts of the Monarchy. The Danish Cabinet are under some, though I cannot say immediate, pressure in this respect, for unless by the next meeting of the Rigsraad they are enabled to show that Holstein will for the future contribute its quota towards the common expenses, they are already forewarned of the fate which awaits them.

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* No. 246.

No. 250.

Count Bernstorff to Count Brandenburg.—(Communicated to Earl Russell by Count Brandenburg, June 14.)

M. le Comte, *Berlin, le 13 Avril*, 1862.

J'AI l'honneur de vous transmettre ci-près copie d'une circulaire adressée par M. Hall, en date du 12 Mars dernier, aux Missions de Danemarc à Stockholm, à Paris, à Londres, à St. Pétersbourg, et à la Haye.

Cette pièce m'étant parvenue sous main, je puis ignorer l'inconvenance du ton et des expressions dont M. Hall a fait usage à cette occasion. Mais la violence du langage ne peut suppléer à la faiblesse de l'argumentation, et c'est pour la réfuter et replacer la question sur son véritable terrain que je viens vous faire cette communication.

Le Ministre Danois commence sa dépêche par se féliciter de s'être toujours opposé "à l'extension des négociations pendantes avec les deux Grandes Puissances Allemandes à la question de savoir quels engagements le Gouvernement Danois aurait pris en 1851 à l'égard du Slesvig et à quel point ces engagements ont été remplis. Nous ne voulons pas," dit-il, "écarter une discussion à ce sujet, toute oiseuse qu'elle soit d'ailleurs selon nous, mais nous nous opposons à ce qu'elle soit confondue avec des négociations relatives à un pays appartenant à la Confédération, parce que nous avons appris par l'expérience combien il est dangereux de ne pas poser en toute occasion de la manière la plus stricte les limites de la compétence Fédérale de la Diète Germanique."

Avant d'entrer en matière, je ne puis passer sous silence l'aveu significatif, échappé à M. Hall, que toute discussion au sujet des engagements que le Gouvernement Danois a pris en 1851 et 1852 à l'égard du Slesvig sera oiseuse. En effet, l'expérience des dix années qui se sont écoulées depuis la conclusion des transactions de 1851 et 1852, n'a que trop démontré le manque de bonne foi avec lequel le Gouvernement Danois s'est refusé constamment à remplir ses obligations. Nous pensons néanmoins que M. Hall aura l'occasion de changer d'opinion à ce sujet, et que ces discussions ne resteront pas aussi oiseuses qu'il paraît l'espérer.

Ensuite, pour ce qui concerne la compétence de la Confédération Germanique sur le Slesvig, les inquiétudes que l'adhésion de la Diète à la protestation de la Prusse et de l'Autriche du 14 Février dernier semble inspirer au Ministre Danois ne sont nullement fondées. Loin de là, le Rapport même de la Commission de la Diète saisie de cette affaire est de nature à tranquiliser complètement M. Hall à cet égard. Il y est dit d'abord que le Gouvernement Danois ne s'est pas borné à contester dans des pièces diplomatiques la valeur des stipulations de 1851 et 1852, mais qu'il s'est porté à des actes touchant le droit public qui sont de nature à être préjudiciables aux dites transactions; que les deux projets de loi soumis au Conseil Suprême au sujet d'une modification de la Loi du 2 Octobre, 1855, concernant la Constitution commune, tendent évidemment à altérer la position du Slesvig dans l'ensemble de la Monarchie; que le Gouvernement Danois ne semble pas avoir pris en considération comment ces mesures pourront se concilier avec les garanties données en 1851 et 1852. Le Rapport continue qu'avec pleine raison les Puissances Allemandes ont interposé la réservation du 14 Février, et que la Commission recommande à la Diète d'y adhérer. Au reste les Comités, y est-il dit, ne méconnaissent d'aucune manière que le Duché de Slesvig n'appartient pas à la Confédération Germanique, et que par cette raison la Résolution de la Diète du 29 Juillet, 1852, n'en fait pas directement mention. Mais il ne s'ensuit pas, comme le Ministre Danois a voulu établir dans les dépêches précitées, que la Diète Germanique n'ait aucun droit relativement à ce Duché. Il s'ensuit seulement que ce droit de la Diète n'a pas le même caractère que celui qu'elle a relativement au Holstein. Dans tous les cas les transactions de 1851 et 1852, ont donné à ce droit une base conventionnelle et internationale. La Couronne de Danemarc a pris des engagements par ces stipulations, non-seulement envers l'Autriche et la Prusse, mais au même degré et dans la même étendue envers la Confédération Germanique, au nom de laquelle les deux Puissances étaient chargées de négocier, à laquelle elles soumirent le résultat de leur commission, et qui alors, par son Arrêté du 29 Juillet, 1852, sanctionna la transaction en vertu de laquelle le différend entre le Danemarc et la Confédération Germanique fut terminé.

Voilà la manière dont les Comités de la Diète se sont prononcés, et le sens dans lequel la Diète a donné son adhésion à la protestation du 14 Février.

C'est absolument dans le même esprit que la Prusse s'est énoncée dans le temps. "Je suis tout-à-fait d'accord avec M. Hall," dit M. le Baron de Schleinitz dans sa dépêche du 29 Mai, 1860, "que la Confédération Germanique, aussi peu que tout autre Gouvernement, n'a en principe le droit de s'ingérer dans les affaires intérieures de l'indépendante Monarchie Danoise,' et par conséquent non plus dans celles du Slesvig. Mais est-ce à dire que, parce que les dispositions du Pacte Fédérale Allemand ne sauraient s'appliquer à ce dernier pays,

la Confédération Germanique n'ait pas le droit de demander que les engagements internationaux dont le Danemarc s'est chargé envers elle par rapport au Slesvig restent à tout jamais sans aucun effet ? que le Danemarc, parce que le Duché de Slesvig ne fait pas partie du corps Germanique, soit libre de remplir ou de ne pas remplir les stipulations survenues entre lui et la Confédération relativement au Duché de Slesvig ? Je doute," ajoute M. de Schleinitz, "que M. Hall, ainsi que le contenu de sa dépêche pourrait le faire croire, ait en effet voulu établir ou soutenir une thèse aussi monstrueuse et aussi contraire aux premières notions du droit public."

J'ai cité ce passage de la dépêche du 29 Mai, 1860, pour rappeler qu'à cette époque, comme aujourd'hui, nous n'avons pas donné lieu à des appréhensions dont M. Hall se dit pénétré relativement aux tendances d'empiètement qu'il accuse l'Allemagne de nourrir sur le Slesvig. Peut-être, au reste, ces inquiétudes sont-elles moins réelles qu'elles ne paraissent l'être, car la tactique du Gouvernement Danois n'est pas nouvelle, de présenter cette question sous un faux jour et de prêter à l'Allemagne des vues qu'elle n'a pas, pour gagner les sympathies des Puissances non-Allemandes et se dérober, comme par le passé, aux obligations contractées. C'est ainsi que M. Hall, sous prétexte que la Diète aurait le dessein de traiter le Slesvig comme un pays appartenant à la Confédération, ne veut discuter que séparément l'affaire du Slesvig et celle du Holstein. Mais les stipulations de 1851 et 1852 n'admettent point cette prétention, d'ailleurs impossible, puis qu'il s'agit d'assigner au Slesvig, comme aux deux Duchés Allemands, la position garantie au Slesvig, comme au Holstein et au Lauenbourg, par les transactions de 1851 et 1852, et que, pour apprécier l'ensemble d'une organisation constitutionnelle, il ne suffit pas de s'occuper exclusivement de l'un ou de l'autre de ces pays, alors même que les propositions auraient été moins inadmissible que ne l'ont été celles que M. Hall nous a présentées par sa dépêche du 26 Octobre dernier. Et ce que je viens de dire ne n'applique pas moins à un état provisoire, par la raison que la connexité entre ces questions ne permet pas de discuter l'une sans traiter de l'autre. C'est là ce que l'Allemagne a le droit incontestable d'exiger, et il est évident que le Danemark, s'il persistait à s'y refuser, sous quelque prétexte que ce fût, assumerait sur lui la responsabilité des suites qui en résulteraient.

Les considérations auxquelles se livre M. Hall au sujet de la portée des projets de loi soumis au Conseil Suprême n'ont guères besoin d'être réfutées ici. Selon lui, la protestation du 14 Février n'est qu'un pur prétexte.

"Le Roi de Danemark," continue-t-il, "a déclaré dans son discours du Trône de vouloir donner du développment aux institutions provinciales du Slesvig ; est-ce là une preuve de l'intention de vouloir ôter à ce Duché sa position de province douée d'une administration et d'une représentation spéciales pour les affaires provinciales ? "

Non, sans doute ; c'est une preuve qu'on a l'intention de continuer à traiter le Slesvig comme une Province Danoise, ce qu'il n'est pas, et de priver ce Duché de la position qui lui est assurée par les stipulations de 1851 et 1852. Le Slesvig est en droit, comme le Holstein, de ne point être subordonné au Royaume. Ne l'est-il pas dans le Conseil Suprême ? Et, d'ailleurs, quel effet peut-on attendre du développement d'une administration qui déjà dans sa sphère d'action actuelle est devenue le fléau du pays ? Sous ce rapport je me réserve de vous faire parvenir des renseignements ultérieurs en son temps, et je me bornerai à ajouter ici un mot sur une observation caractéristique de M. Hall.

"L'exclusion du Holstein de la constitution commune est uniquement," assure-t-il, "l'œuvre de la Confédération, et la position du Slesvig et du Royaume, formant un ensemble constitutionnel, ne peut avoir été atteinte par cet acte d'autorité de la Diète." C'est ainsi que parle sérieusement le Président du Ministère Danois. Est-ce donc la Diète qui a empêché le Gouvernement Danois de marcher dans une voie légale, et de soumettre la Constitution commune aux délibérations des Etats du Slesvig, du Holstein, et du Lauenbourg ? Et, si le Gouvernement Danois a promulgué cette Constitution sans l'avoir soumise aux Etats des Duchés, peut-on contester qu'elle n'a pas de base légale ? Peut-on contester, en outre, que le contenu de cette Constitution est en contradiction manifeste avec les transactions précitées, et que par cette Constitution les Duchés, loin d'avoir obtenu la position de parité qui leur est garantie, ont été subordonnés au Royaume ? Et, s'il en est ainsi, comment ose-t-on dire que ce soit la Diète qui ait amené l'exclusion du Holstein de la Constitution commune ? En octroyant illégalement la Constitution commune, en subordonnant par cette Constitution les Duchés au Danemarc, le Gouvernement Danois n'a qu'à s'accuser lui-même des complications qui en sont résultés.

M. Hall pense que ce qu'il appelle l'ensemble constitutionnel du Slesvig et du Danemarc ne peut-être atteint par l'exclusion du Holstein et du Lauenbourg du Conseil Suprême. Mais qu'est-ce que c'est que cet ensemble Constitutionnel dont parle ce Ministre ? On n'en trouve pas de trace dans les transactions de 1851 et 1852. Loin de là, il ne s'agit que d'une Constitution commune pour tous les pays réunis sous le sceptre du Roi de Danemarc,

et il n'est pas difficile à comprendre qu'elle a perdu son caractère et son but du moment que deux de ces pays n'en font plus partie, et que, par conséquent, elle a cessé d'être commune. Vouloir conserver cette institution pour le Danemarc et le Slesvig, ce serait vouloir incorporer ce Duché au Royaume, et en persistant dans cette voie le Cabinet de Copenhague romprait les stipulations conclues avec l'Allemagne.

Vous voudrez bien, M. le Comte, vous inspirer de ces considérations pour rectifier les erreurs répandus par la circulaire Danoise, et vous rendre l'interprète, si l'occasion s'en présente, des vues que je viens de développer. Le mémoire ci-joint servira d'ailleurs, à présenter sous son véritable jour la position de la Confédération Germanique relativement au Slesvig, et rien ne s'oppose à ce que vous en fassiez part au Gouvernement Anglais.

Recevez, &c.

(Signé) BERNSTORFF.

P.S.—J'avais à peine terminé ma dépêche que j'ai eu connaissance d'une nouvelle circulaire Danoise ci-jointe en copie, et qui dépasse encore en invectives la circulaire précédente. Le contenu de cette pièce se trouve déjà suffisamment réfuté par la communication que je viens d'avoir l'honneur de vous faire, et je n'ai que peu de mots à y ajouter.

M. Hall s'efforce de démontrer que la Confédération Germanique aurait l'intention de traiter la question du Slesvig comme une question Fédérale. Les termes mêmes de l'Arrêté de la Diète prouvent le contraire. Il est superflu de revenir sur ce point. M. Hall a beau jeté les hauts cris, il ne réussira point à imprimer à la politique de l'Allemagne un caractère qui lui est étranger, et à assigner à la Diète une position qu'elle n'accepte pas ; mais il ne réussira pas non plus à embrouiller les choses et à se soustraire, par des exclamations de ce genre, aux engagements que le Roi de Danemark a pris et dont la Diète est en droit d'exiger l'accomplissement.

Au reste, pour ce qui concerne les formalités adoptées par la Diète a cette occasion, et auxquelles M. Hall semble attacher un si haut prix, il n'aurait pas eu besoin de se donner tant de peine pour obtenir que la protestation de la Diète fût remise au Cabinet de Copenhague par l'entremise des Représentants de Prusse et d'Autriche. C'est ce qui a eu lieu déjà, et, à l'heure qu'il est, M. Hall doit avoir eu la satisfaction de recevoir ce document par la voie qu'il a désignée comme la plus convenable.

En terminant, je ne puis passer sous silence la prétention renouvelée du Ministre Danois, de qualifier le Slesvig de Duché Danois. Je dois maintenir la réserve que nous avons faite à cet égard par notre dépêche du 29 Juin, 1860, en déclarant que la dénomination de Duché Danois ou de province Danoise pour le Slesvig est en contradiction ouverte avec la position qui revient à ce pays de droit et en vertu des stipulations internationales.

B.

(Translation.)

M. le Comte, *Berlin, April* 13, 1862.

I HAVE the honour to transmit to you herewith a copy of a circular, dated the 12th of March last, addressed by M. Hall to the Danish Missions at Stockholm, Paris, London, St. Petersburgh, and the Hague.

This circular having come to me indirectly, I may ignore the impropriety of the tone and of the expressions made use of on this occasion by M. Hall. But the violence of the language cannot make up for the feebleness of the argument, and it is with the object of refuting it, and of replacing the question on its proper basis, that I now lay before you this communication.

The Danish Minister begins his despatch with congratulating himself for having always been opposed "to the extension of the negotiations pending with the two great German Powers to the question of ascertaining what engagements the Danish Government entered into in 1851, with regard to Schleswig, and how far these engagements have been fulfilled. We do not wish," he says, "to avoid a discussion on this subject, however idle it may be in our opinion ; but what we are opposed to is, its being mixed up with negotiations relative to a country belonging to the Confederation, because we have learnt by experience how dangerous it is not to lay down on every occasion, and define in the strictest manner, the limits of the Federal competence of the Germanic Diet.

Before coming to the point, I cannot pass over in silence the significant avowal which has escaped M. Hall, that all discussion on the subject of the engagements which the Danish Government entered into in 1851 and 1852, with regard to Schleswig, would be idle. The fact is, that the experience of the ten years which have passed since the conclusion of the transactions of 1851 and 1852, has only too plainly laid bare the want of good faith with which the Danish Government has constantly refused

to fulfil its obligations. Nevertheless, we are of opinion that M. Hall will have occasion to alter his opinion on this matter; and that those discussions will not remain as idle as he seems to expect.

In the next place, as regards the adequate power of the Germanic Confederation towards Schleswig, the uneasiness with which the adhesion of the Diet to the Protest of Prussia and Austria of the 14th of February last seems to inspire the Danish Minister, is wholly without foundation. Far from it: the very Report of the Commission of the Diet occupied with this affair is of a nature entirely to quiet M. Hall's apprehensions on the subject. It asserts, in the first place, that the Danish Government has not confined itself to disputing in diplomatic documents the validity of the stipulations of 1851 and 1852; but that it indulged in acts affecting public law, of a nature to be prejudicial to the said transactions; that the two projects of law submitted to the Supreme Council, with regard to a modification of the Law of the 2nd of October, 1855, concerning the Common Constitution, clearly tend to weaken the position of Schleswig in the entirety of the Monarchy; that the Danish Government does not appear to have taken into consideration how those measures are reconcileable with the guarantees given in 1851 and 1852. The Report goes on to say that the German Powers have been fully justified in bringing in the reservation of the 14th of February, and that the Commission advises the Diet to adhere to it. The Report also says that in fact the Committees clearly and in every way understand that the Duchy of Schleswig does not belong to the Germanic Confederation, and that it is for this reason that the Resolution of the Diet of the 29th of July, 1852, makes no direct mention of it. But it does not follow, as the Danish Minister, in the afore-mentioned despatches, has attempted to affirm, that the German Diet has no right whatever in respect to this Duchy. It only follows that this right of the Diet is not of the same nature as that which it has with regard to Holstein. At all events, the transactions of 1851 and 1852 have given to this right a conventional and international basis. The Crown of Denmark has, through these stipulations, entered into engagements not only towards Austria and Prussia, but also, in the same degree and extent, towards the Germanic Confederation: in whose name the two Powers were charged to negotiate, to whom they submitted the result their commission, and who then, by its Decree of the 29th of July, 1852, sanctioned the transaction in virtue of which the dispute between Denmark and the Germanic Confederation was terminated.

Thus did the Committees of the Diet pronounce their judgment, and in this sense the Diet gave its adhesion to the protestation of February 14.

Prussia expressed herself at the time in exactly the same spirit. Baron Schleinitz, in his despatch of May 29, 1860, says thus:—"I agree entirely with M. Hall that the Germanic Confederation has, as little as any other Government, any right in principle to meddle with the internal affairs of the independent Monarchy of Denmark; neither, consequently, with those of Schleswig. But is it to be said that because the provision of the Federal German compact cannot be made to apply to the latter country, that therefore the Germanic Confederation has not the right to demand that the international engagements to which Denmark has pledged herself towards it as regards Schleswig should remain for ever without effect? That Denmark, because the Duchy of Schleswig does not form part of the Germanic body, should be free to fulfil, or not to fulfil, the stipulations concluded between her and the Confederation relative to the Duchy of Schleswig? I doubt," adds M. de Schleinitz, "whether M. Hall, as the contents of his despatch might lead me to believe, did really wish to establish or support such a monstrous argument, and one so contrary to the first notions of public law."

I have quoted this passage from the despatch of May 29, 1860, to call to mind that neither at that period nor at the present have we given cause for the apprehensions with which M. Hall professes himself to be impressed with reference to the tendencies to encroachment which he accuses Germany of entertaining towards Schleswig. Perhaps, however, these apprehensions are not so real as they appear, for it is nothing new for the tactics of the Danish Government to present this question in a false light, and to assign to Germany intentions which she does not hold, in order to gain the sympathies of the non-German Powers, and, as before, to evade engagements which she has contracted. Thus M. Hall, under pretext that the Diet had an intention of treating Schleswig as a country belonging to the Confederation, will only discuss separately the Schleswig question and that of Holstein. But the stipulations of 1851 and 1852, however, admit of no such pretension, which would, besides, be impossible, since we have to assign to Schleswig, as to the two German Duchies, the position guaranteed to Schleswig, as well as to Holstein and Lauenburg, by the transactions of 1851 and 1852, and since, in order to appreciate a constitutional organization as a whole, it is not sufficient to be occupied exclusively with one or the other of these countries, even had the

propositions been less inadmissible than those brought under our notice by M. Hall in his despatch of the 26th of October last. And what I have just said applies no less to a provisional arrangement, because the connection between these questions does not allow of discussion on one without also treating of the other. This it is that Germany has an indisputable right to exact, and it is evident that Denmark, if it persisted in refusing, under any pretext whatever, would take upon herself the responsibility of the consequences which would result therefrom.

The reflections which M. Hall indulges in respecting the bearing of the projects of law submitted to the Supreme Council hardly need be refuted here. According to him the protest of the 14th February is a simple pretext.

"The King of Denmark," he goes on to say, "in his speech from the Throne, has declared his wish to develop the provincial institutions of Schleswig. Is this a proof of his intention to deprive the Duchy of its position as a province possessed of a special administration and of a special representation for provincial affairs?"

Certainly not; it proves the intention of continuing to treat Schleswig as a Danish province, which it is not, and of depriving that Duchy of the position assured to it by the stipulations of 1851 and 1852. Schleswig has a right, like Holstein, not to be subordinate to the kingdom. Is it not so in the Supreme Council? And, indeed, what effect can one expect from the development of an administration which, within its actual sphere of action, has already become the scourge of the country? On this subject I reserve to myself to send you, in due time, some further information, and I will confine myself now to adding one word on a characteristic observation of M. Hall. "The exclusion of Holstein from the common Constitution is solely," he assures us, "the work of the Confederation, and the position of Schleswig and of the kingdom, as forming a constitutional whole, cannot have been injured by this act of authority of the Diet." This is the serious language of the President of the Danish Ministry. Is it, then, the Diet which has prevented the Danish Government from pursuing a legal course, and from submitting the common Constitution to the deliberations of the States of Schleswig, of Holstein, and of Lauenburg? And if the Danish Government have promulgated this Constitution without having submitted it to the States of the Duchies, can it be disputed that it has no legal basis? Can it, besides, be disputed that the contents of that Constitution are in manifest contradiction with the afore-mentioned transactions, and that by this Constitution the Duchies, so far from having obtained the position of equality which is guaranteed to them, have been made subordinate to the kingdom? And if such be the case, how does any one dare to say that it is the Diet which has brought about the exclusion of Holstein from the common Constitution? In granting illegally the common Constitution, in placing the Duchies in a subordinate position to Denmark by means of that Constitution, the Danish Government have only themselves to blame for the complications which have resulted therefrom.

M. Hall thinks that what he calls the Constitutional Union of Schleswig and of Denmark can only be attained by the exclusion of Holstein and of Lauenburg from the Supreme Council. But what is the Constitutional Union of which this Minister speaks? There is no trace of it in the transactions of 1851 and 1852. Far from it, it treats only of a common Constitution for all the countries united under the sceptre of the King of Denmark, and it is not difficult to understand that it loses its character and its object from the moment that two of these countries cease to form part of it, and that, consequently, it has ceased to be common. To attempt to preserve this Constitution for Denmark and Schleswig would be to attempt to incorporate this Duchy with the kingdom, and in persisting in this path the Cabinet of Copenhagen would break the stipulations concluded with Germany.

You will have the kindness, M. le Comte, to impress upon yourself these considerations in order to rectify the mistakes spread by the Danish circular, and also to be the interpreter, if the occasion should present itself, of the views which I have just explained. The accompanying memorandum will, moreover, serve to show in its true light the position of the Germanic Confederation relative to Schleswig, and there is no objection to your laying it before the English Government.

Receive, &c.
(Signed) BERNSTORFF.

P.S.—I had scarcely finished my despatch when a new Danish circular reached me, of which I inclose you a copy, which even exceeds in invectives the preceding circular. The contents of this document are already sufficiently refuted by the communication which I have just had the honour of making to you, and I have but few words to add to it.

M. Hall endeavours to show that the Germanic Confederation has the intention of

treating the Schleswig question as a Federal question. The very terms of the Resolution of the Diet prove the contrary. It is superfluous to return to this point. M. Hall may cry out about it ,but he will never succeed in giving a character to the policy of Germany which is foreign to it, nor in assigning to the Diet a position which it does not accept; neither will he succeed in throwing affairs into confusion, or in exempting himself, by holding such a tone, from the engagements which the King of Denmark has undertaken, and the fulfilment of which the Diet has a right to exact.

In fine, as to what concerns the formalities adopted on this occasion by the Diet, and to which M. Hall appears to attach so much value, he would have had no need to take so much trouble to get the protest of the Diet remitted to the Cabinet of Copenhagen through the medium of the Representatives of Prussia and Austria. This is what has already been done and at this very moment M. Hall must have had the satisfaction of receiving that document by the channel he designated as the most suitable.

In conclusion, I cannot pass over in silence the renewed pretension of the Danish Minister to style Schleswig a Danish Duchy. I must maintain the same reserve on this point as we did in our despatch of June 29, 1860, in declaring that the term Danish Duchy, or Danish Province, when applied to Schleswig, is in open contradiction to the position to which this country is entitled by right and in virtue of international stipulations.

B.

Inclosure in No. 250.

Circular Despatch addressed by M. Hall to Danish Ministers at Berlin and Vienna, March 12, 1862.

[See Inclosure in No. 214.]

No. 251.

M. Hall to M. de Bille.—(Communicated to Earl Russell by M. de Bille, June 30.)

Monsieur, *Copenhague, le* 23 *Juin,* 1862.

LE Ministre d'Angleterre à Hanovre a dernièrement, dans le courant d'une conversation, fait voir à M. J. de Bülow certaines propositions émanées de MM. A. de Blome et C. de Plessen, lesquelles propositions auraient été communiquées aux différentes Cours et nommément à celle de St. James. M. Howard a ajouté que, sans doute, le Comte Russell les avait soumises au Gouvernement du Roi,

Quoiqu'il en soit du reste, cette dernière supposition est dénuée de fondement. Dans une dépêche du 26 Mars, M. de Bille m'a parlé, il est vrai, d'une idée que M. de Kielmansegge avait suggérée à Lord Russell, et qui, tout en laissant subsister le Rigsraad, comme Assemblée commune pour toute la Monarchie, et en respectant le principe d'une représentation d'après la population, ferait dépendre tout acte de législation commune de l'assentiment des deux tiers des voix dans le Rigsraad. Mais Lord Russell ne trouvait pas que cette solution méritât d'être soumise par lui au Gouvernement du Roi, et il se borna à la mentionner en causant sur la situation avec M. de Bille. Et lorsque plus tard j'ai cru qu'il convenait d'en toucher un mot à M. Paget, ce Ministre me dit qu'il reconnaissait parfaitement l'impossibilité d'un ordre de choses où une minorité quelconque, impuissante pour faire valoir d'une manière positive ses vues et ses idées, deviendrait pourtant le maître de la situation jusqu'à un point de pouvoir rendre impossible, non seulement toute amélioration, mais même la conduite ordinaire de l'Administration.

Aussi suis-je bien loin de vouloir vous inviter à revenir dans vos entretiens sur ces propositions, que personne ne songe à soutenir, et je ne vous envoie ci-joint copie de cette pièce que comme une preuve curieuse des illusions auxquelles l'opposition Holsteinoise s'abandonne encore, et de la confusion étrange de ses raisonnements, quand elle croit pouvoir se prévaloir de la correspondance diplomatique de 1851 et 1852, pour mettre en avant les prétentions qui sont formulées dans ce document.

On peut en effet imaginer, ou du moins on connaît, deux différentes interprétations de cette égalité de droit qui fut énoncée dans la correspondance mentionnée comme devant former le principe fondamental de la Constitution commune à créer.

Nous croyons l'égalité réalisée dès que chaque citoyen, qu'il soit habitant du Holstein ou du Royaume, se trouve admis, dans la même mesure et aux mêmes conditions, à élire représentants au Rigsraad, et que mille Holsteinois délèguent exactement le même nombre de Députés à cette Assemblée que le fait une quantité

égale d'habitants du Royaume. L'interprétation opposée soutient, au contraire, que le Holstein, voir même le Lauenbourg, doivent envoyer, chacun, le même nombre de membres au Rigsraad que le Royaume, et elle ne recule pas devant l'inégalité qui en résulterait, et qui serait la plus extravagante des inégalités possibles, attendu que les 1,600,000 habitants du Royaume se trouveraient n'exercer pas une plus grande mesure d'influence que les 540,000 Holsteinois et même que les 50,000 Lauenbourgeois.

Ce sont là les deux seules interprétations auxquelles ce terme "égalité de droit" pourrait, à la rigueur, se prêter. Mais, pour la question de savoir par lequel de ces deux modes l'égalité désirée serait le mieux réalisée, c'est la résoudre. Personne ne s'aviserait, hors de l'Allemagne, de soutenir sérieusement que l'égalité de droits existerait là où un électeur Holsteinois équivaudrait à trois électeurs du Royaume, et un Lauenbourgeois exercerait la même influence politique que trente-deux Danois.

Mais le choix une fois fait entre ces deux interprétations, il n'y a plus de place possible pour ces termes moyens que l'opposition Holsteinoise met en avant. Dès qu'on a reconnu que dans l'idée de la correspondance de 1851 et 1852, la représentation des différentes parties de la Monarchie serait déterminée d'après la population, on est nécessairement amené à rejeter tous ces expédients qui viennent d'être proposés comme parfaitement arbitraires, et parceque tout fondement leur fait défaut. Que l'opposition Holsteinoise dire ouvertement qu'elle aspire à une autre position pour le Holstein que celle qui revient à ce Duché conformément au principe reconnu dans la correspondance de 1851 et 1852, mais qu'elle ne s'attache pas à chercher un appui là où il n'y en a point d'ombre.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, June* 23, 1862.

THE English Minister at Hanover showed to M. J. de Bülow in the course of a recent conversation, certain proposals coming from Messrs. A. de Blome and C. de Plessen, which proposals had been communicated to the different Courts, and especially to that of St. James. Mr. Howard added that doubtless Earl Russell had submitted them to the King's Government.

However this may be in other respects, this last supposition is totally without foundation. It is true that M. de Bille spoke to me in a despatch of May 26, of an idea which M. de Kielmansegge had suggested to Lord Russell, and which though allowing the Rigsraad to exist as a common Assembly for the whole Monarchy, and respecting the principle of a representation according to population, would make every act of the common legislation depend on the assent of two-thirds of the voices in the Rigsraad. But Lord Russell did not deem this solution worthy of being submitted by him to the King's Government; and he confined himself to mentioning it in conversation respecting the state of the question with M. de Bille. And when later I thought it right to touch upon the subject with Mr. Paget, that Minister told me that he quite recognized the impossibility of an order of things in which any minority, powerless to enforce its views and ideas in a positive manner, would yet become so far master of the situation as to be able to render impossible not only all improvement, but even the ordinary conduct of the Administration.

I am far from wishing to invite you to recur in your conversations to these proposals, which no one thinks of upholding, and I only inclose you herewith a copy of this document as a curious proof of the illusions to which the Holstein Opposition continues to yield, and of the strange confusion of its arguments when it thinks it is able to avail itself of the diplomatic correspondence of 1851 and 1852, in order to put forward the claims drawn up in this document.

One can indeed imagine, or at least one knows, two different interpretations of this equality of right, which was stated in the said correspondence as the proper fundamental principle of the common Constitution to be created.

We consider equality realized from the moment when each citizen, whether an inhabitant of Holstein or of the kingdom, is admitted, in the same measure and on the same conditions, to elect representatives for the Rigsraad, and that a thousand Holsteiners delegate exactly the same numbers of Deputies to the Assembly as an equal number of the inhabitants of the kingdom. The opposite interpretation maintains that Holstein as well as Lauenburg ought each to send the same number of members to the Rigsraad as the kingdom, and it does not flinch before the inequality which would be the result, and which would be the most outrageous of all possible inequalities, inasmuch as the 1,600,000 inhabitants of the kingdom would thus exercise no greater amount of influence than 540,000 Holsteiners, or even than the 50,000 Lauenburgians. These are the only two interpretations to which the term "equality of right" could, strictly speaking, be applied. But,

to put the question by which of these two means the desired equality would be best attained, is to solve it. No one out of Germany would take it into their heads to maintain seriously that equality of rights would exist if one elector from Holstein was equivalent to three electors of the kingdom, and one Lauenburgian exercised the same political influence as thirty-two Danes.

But choice once made between these two interpretations, there remains no possible room for the middle terms put forward by the Holstein Opposition. As soon as it is acknowledged that according to the idea of the correspondence of 1851 and 1852, the representation of the different parts of the Monarchy is to be settled according to population, one is necessarily led to reject all the expedients which have just been proposed as perfectly arbitrary and destitute of foundation. Let the Holstein Opposition say openly that it aspires to a position for Holstein different from that which belongs to that Duchy in conformity with the principle recognized in the correspondence of 1851 and 1852, but that it does not endeavour to seek support where there is no shadow of it.

I have, &c.
(Signed) C. HALL.

No. 252.

Count Bernstorff to Count Brandenburg.—(Communicated to Earl Russell by Count Brandenburg, July 2.)

M. le Comte, *Berlin, ce 27 Juin*, 1862.

LA circulaire ci-jointe en copie, adressée par M. Hall, en date du 8 Mai dernier, aux Missions de Danemark à Paris, à Londres, à St. Pétersbourg, et à Stockholm, n'est parvenue que récemment à ma connaissance.

Dans son langage et ses insinuations cette pièce ne diffère pas de celles qui l'ont précédée, mais cette fois-ci ce document a été destiné à être communiqué officiellement aux Cabinets et, ce qui plus est, il a déjà été rendu public par la presse.

Je crois donc ne pas devoir passer sous silence cette nouvelle manifestation Danoise qui ressemble fort peu à un acte diplomatique. Pour qui juge les choses d'un point de vue impartial, l'argumentation du Ministre Danois n'a guères besoin de commentaire. Présenter les faits sous un faux jour, déplacer la question, prêter aux paroles un sens qu'elles n'ont pas, pour en tirer des conséquences à sa convenance, c'est là le stratagème que nous voyons mis en scène.

C'est ainsi qu'en citant le passage du Rapport de la Commission de la Diète où il est dit qu'il ne s'agit pas d'étendre l'Exécution Fédérale sur le Slesvig, le Ministre Danois affirme " que cette observation ne le rassure que médiocrement, attendu que l'idée ne s'est jamais présentée à son esprit que l'Exécution Fédérale pût se faire dans un pays non-Fédéral."

Ce n'est donc plus de cela qu'il s'agit, mais voici ce qui préoccupe M. Hall :—

" La combinaison irrégulière de deux questions d'une nature si diverse pourrait suggérer à la Diète le projet d'une Exécution dans le Holstein comme un moyen propre pour forcer la main au Gouvernement du Roi à l'égard du Slesvig, et je regrette," assure-t-il, " que les explications du Rapport n'ont pu me convaincre de la superfluité de la protestation que nous avons formulée contre une Exécution soi-disant Fédérale, mais qui ne serait en réalité qu'une mesure coércitive d'une nature évidemment internationale."

Le Ministre Danois s'applique donc à démontrer, non pas que la Diète veuille étender son Exécution Fédérale sur le Slesvig—M. Hall n'y a jamais pensé—mais que la Commission saisie de l'affaire du Holstein ayant été chargée de faire également son rapport au sujet de la protestation du 14 Février, cette circonstance pourrait suggérer à la Diète le projet d'une Exécution, non pas dans le Slesvig, mais dans le Holstein, pour forcer la main au Gouvernement Danois à l'égard du Slesvig.

Cette thèse une fois établie, le Ministre Danois proteste contre " une telle conséquence illégitime et contre une Exécution soi-disant Fédérale qui serait d'une nature évidemment internationale."

Ainsi, à en croire cet homme d'Etat, une Exécution Fédérale au sein même de l'Allemagne, et dans un pays faisant partie de la Confédération Germanique, serait d'une nature internationale, du moment qu'il plairait à quelque Ministre Danois de supposer à la Diète tel ou tel dessein.

Je renonce à réfuter une doctrine de cette force.

En poursuivant, M. Hall développe ses vues sur le droit des gens. " Si les autres Souverains," s'écrie-t-il, " préfèrent traiter leurs intérêts internationaux avec la Diète dans les formes Fédérales, c'est leur affaire ; mais un pareil usage ne peut en aucune façon

entraver ou obliger le Gouvernement Danois dans l'exercice d'un droit qui lui appartient en vertu des premiers principes du droit international de l'Europe."

La Diète a déjà statué sur ce point que le Ministre Danois a exploité avec tant de chaleur.

Mais ce qui surtout a déplu à M. Hall dans le Rapport de la Commission, c'est qu'il a relevé la connexité qui existe entre les affaires du Holstein et celles du Slesvig. A ce sujet il se livre à une expectoration violente, " car," dit-il, " tout en ayant l'air de ne vouloir que maintenir dans ce nouvel Arrêté la position qu'elle a tenté de prendre dans l'Arrêté précédent, la Diète s'attache néanmoins à arriver à une nouvelle étape de la route qu'elle s'est tracée, et bien qu'elle répète à plusieurs reprises dans son Arrêté du 8 Mai que ses prétendus droits à l'égard du Slesvig sont d'une nature internationale, elle essai néanmoins de jeter une tout autre base pour l'avenir. Cette idée est exprimée incidemment et tout en passant dans l'exposé des motifs, ainsi qu'il suit :—

" ' Ces affaires du Slesvig et celles du Holstein sont dans l'histoire aussi bien que dans le droit de mainte manière connexes, elles se suppléent mutuellement et se combinent, de sorte que certains rapports communs entrent jusque dans le droit Constitutionnel du Holstein.'

" Cette communauté entre le Duché Allemand de Holstein et le Duché Danois de Slesvig que la Diète proclame aujourd'hui, ne se renfermera guère dans les établissements communs que la Patente Royale du 28 Janvier, 1852, admettait en leur refusant d'ailleurs tout caractère politique ; car elle ne ressemble malheureusement que trop aux principes Slesvig-Holsteinois qui déjà une fois ont troublé la paix du Nord. Les expressions du Rapport sont vagues, il est vrai, mais elles sont d'autant plus propres à servir plus tard et elles présentent un cadre assez large qu'on ne se fera pas faute de remplir, dès que le moment opportun arrivera."

Qu'y a-t-il donc de surprenant dans cette observation du Rapport de la Commission ? Que, lors de la conclusion de la paix, quelques institutions, quelques établissements sont restés communs aux deux Duchés, le Ministre Danois en fait mention lui-même ; que la législation, concernant ces établissements, est du ressort des Etats du Slesvig et du Holstein, que par conséquent c'est un droit constitutionnel des deux Duchés, M. Hall devrait le savoir. La connexité dont parle la Commission peut ne pas convenir au système du Ministère Danois, mais elle n'en est pas moins incontestable ; et s'élever contre un fait avec une véhémence que rien ne justifie, c'est trahir des tendances mal cachées sous le voile de ces accusations sans fondement. A toutes ces assertions du Ministère Danois les termes mêmes du Rapport de la Commission et des Arrêtés de la Diète opposent le démenti le plus formel.

M. Hall reproche à la Diète d'avoir combiné irrégulièrement les affaires des Duchés, mais il ne peut ignorer que son reproche est sans aucun fondement, puisque la Diète n'a fait que se conformer au règlement en vigueur, attendu que les affaires du Holstein et du Slesvig ont de tout temps été traitées ensemble par les mêmes Commissions, et que nommément les négociations de 1851 et 1852 ont été traitées de la même façon. Il saute donc aux yeux qu'il s'agit ici tout simplement d'une question de réglement, n'ayant d'autre but que de simplifier le maniement des affaires, et que par conséquent les insinuations de M. Hall semblent avoir une autre motif que celui qu'on a allégué. A cette occasion je ferai observer que ce Ministre, pour appuyer sa tactique, ne cesse de représenter le Slesvig comme un pays Danois ; mais ce Duché, pour n'être pas un pays appartenant à la Confédération, n'est pas pour cela une province Danoise, et c'est déplacer la question que de le qualifier ainsi, c'est se créer une base d'opération que nous ne saurions admettre, et qui ne s'accorde pas plus avec le droit public du Slesvig qu'avec les transactions de 1851 et 1852.

J'arrive maintenant à un autre passage de la dépêche Danoise : " Voyons un instant," dit M. Hall, " a quoi nous a servi cette négociation que nous n'avons commencée qu'a cause des instances des Puissances amies, et pour laquelle nous avons fait le sacrifice du 29 Juillet dernier." Le temps viendra où tout le monde verra ce que c'est que ce sacrifice dont on ne craint pas de parler avec tant d'emphase, et que, dans un autre lieu, le chef du Cabinet Danois a fort bien défini, en disant dans son discours du 15 Avril dernier, que par la concession du 29 Juillet pas un liard de moins n'est entré dans les caisses de l'Etat.

En signalant à votre attention cette déclaration de M. Hall, je ferai mention d'un autre fait, révélé par la dernière session du Conseil Suprême. C'est que le Ministère Danois a été autorisé par trois Ordonnances Royales à extraire du " fonds de réserve " la somme de 2,400,000 thalers environ, pour couvrir les frais des armements de terre et de mer et les dépenses pour l'ameublement d'un château Royal. Le fonds de réserve est une caisse commune appartenant à tous les pays qui composent la Monarchie. Le Conseil Suprême a approuvé ce procédé du Gouvernement, mais le consentement à cette mesure n'a point été demandé au Holstein, pour lequel la Constitution dite commune du 2 Octobre, 1855,

n'est plus en vigueur, et qui par conséquent n'est pas représenté au Conseil Suprême. Il s'ensuit que le Gouvernement Danois a disposé arbitrairement de la quotepart qui revient au Holstein dans le fonds de réserve, et voilà un échantillon de la manière dont on a su rendre illusoire ce que M. Hall se plaît à appeler le sacrifice du 29 Juillet.

Tout son récit relativement à la négociation pendante mérite la même appréciation, Les propositions du 26 Octobre étaient, d'après son propre aveu, dans leur essence les mêmes que les Etats du Holstein venaient de rejeter ; elles n'offraient pas même les garanties que la Diète, dans ses Arrêtés du 8 Mars, 1860, et du 7 Février, 1861, avait exigés dans l'intérêt du pays. Il ne pouvait d'ailleurs être question d'un provisoire dont la Diète avait déjà déterminé et la base et l'étendue. Nous n'aurions donc pu entrer en discussion sur les propositions du 26 Octobre que sous une seule condition, savoir, que le Danemark aurait voulu sérieusement amener une solution définitive de cette question, et c'est en ce sens que nous nous sommes adressés au Cabinet du Copenhague pour obtenir des éclaircissements sur ses vues et ses intentions à ce sujet, particulièrement pour ce qui concerne la position du Slesvig. Mais le Gouvernement Danois, en refusant toute explication sur ce point, est allé jusqu'à contester la valeur des engagements pris envers nous et la Confédération Germanique en 1851 et 1852 à l'égard du Slesvig. Et au milieu de ces discussions il a soumis au Conseil Suprême deux projets de loi ayant pour but d'apporter à la Constitution du 2 Octobre, 1855, des modifications qui devaient altérer sensiblement la position du Slesvig dans la Monarchie.

En agissant de la sorte, en nous faisant des propositions inacceptables, en créant pas à pas de nouvelles difficultés, le Gouvernement Danois ne pouvait guères avoir l'intention de faciliter la négociation et d'en accélerer la conclusiou. Aussi sa dernière dépêche du 12 Mars, loin de nous fournir les explications claires et positives que nous avions demandées, nous laisse encore dans la même incertitude et ne peut servir qu'à embrouiller la question.

"Que les négociations ne sauraient continuer longtemps, si elles ne sortent de l'ornière où elles sont engagées," c'est de toute évidence, et nous sommes parfaitement d'accord avec M. Hall sous ce rapport. Mais qu'est-ce qui empêche le Gouvernement Danois de quitter la voie qui l'a conduit dans cette impasse ? Qui est-ce qui le pousse dans une politique si contraire aux stipulations conclues, dans un système d'administration si peu conforme à la parole Royale, à la justice, à l'humanité ? Les plaintes sans cesse renouvelées des Etats du Slesvig et du Holstein, n'ont-elles pas été entendues à Copenhague ? En Allemagne elles ont eu du retentissement, et l'on ferait bien de ne pas prendre de la modération et de la longanimité pour de l'indifférence.

En terminant, M. Hall fait une espèce d'appel à l'Europe. Il semble méditer quelque mesure extrême, et réclame d'avance le concours des Puissances, en faisant allusion à des promesses qui lui auraient été faites sous ce rapport. Nous doutons fort qu'il en soit ainsi ; mais vous voudrez bien, M. le Comte, prendre des informations à cet égard, et faire part en même temps de cette dépêche au Gouvernement de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande.

Recevez, &c.
(Signé) BERNSTORFF.

(Translation.)

M. le Comte, *Berlin, June* 27, 1862.

THE accompanying copy of a circular dated 8th of last May, addressed by M. Hall to the Missions of Denmark in Paris, London, St. Petersburgh, and Stockholm, came to my knowledge only lately.

In its language and insinuations this document does not differ from the preceding ones, but it has this time been destined to be communicated officially to the Cabinets, and, what is more, it has already been laid before the public by the Press.

I think, therefore, that I ought not to pass over in silence this new Danish manifesto, which bears so little resemblance to a diplomatic document. For those who look at things from an impartial point of view, the argument of the Danish Minister requires no commentary. To represent facts in a false light, to displace the question, to give a meaning to words which they do not possess, in order to draw from them foreign conclusions, is the stratagem which we see brought into play.

It is thus that in quoting the passage of the Report of the Commission of the Diet, where it is said that there is no question of extending the Federal Execution to Schleswig, the Danish Minister affirms "that this observation only slightly re-assures him, inasmuch as the idea never entered his mind that Federal Execution could take place in a country which was not Federal."

There is no longer, then, any question of that, but this is what pre-occupies M. Hall :—

"The irregular combination of two questions of so diverse a nature might suggest to the Diet the plan of an Execution in Holstein as a measure adapted to force the hand of

the Government of the King on the subject of Schleswig, and I regret," he asserts, "that the explanations of the Report have not been able to convince me of the uselessness of the protest recorded by us against a so-called Federal Execution, but which would in reality be a coercive measure of an evidently international nature."

The Danish Minister then applies himself to showing, not that the Diet wishes to extend its Federal Execution to Schleswig—M. Hall never thought of that—but that the Commission entrusted with the Holstein affair, having been charged equally to draw up its Report on the subject of the protest of the 14th of February, this circumstance might suggest to the Diet the project of an Execution, not in Schleswig, but in Holstein, to force the hand of the Danish Government as regards Schleswig.

This position once established, the Danish Minister protests against "so illegal a consequence, and against a so-called Federal Execution which would be evidently of an international nature."

Thus, if we believe this statesman, a Federal Execution in the centre even of Germany, and in a country forming part of the German Confederation, would be of an international character, the moment that some Danish Minister might be pleased to impute this or that design to the Diet.

I decline to refute a doctrine of this kind.

M. Hall in continuation develops his views on international law: "If the other Sovereigns," he exclaims, "prefer to treat their international interests with the Diet in accordance with Federal forms, it is their own affair; but such a practice can in no way shackle or press upon the Danish Government in the exercise of a right which belongs to it in virtue of the first principles of the international law of Europe."

The Diet has already come to a decision upon this point, which the Danish Minister has discussed with so much warmth.

But that which has most displeased M. Hall in the Report of the Commission is, that it has taken up the connection which exists between the affairs of Holstein and those of Schleswig. Upon this point he gives way to a violent outburst, "for," he says, "while the Diet only appears to wish to maintain in this new Resolution the position which it tried to take in the preceding Resolution, it still wishes to arrive at a new stage of the road it has traced for itself; and although it several times repeats in its Resolution of the 8th of May, that its pretended rights as regards Schleswig are of an international nature, it still endeavours to lay down quite a different basis for the future. That idea is expressed incidentally and quite casually in the statement of motives as follows:—

"'These affairs of Schleswig and Holstein are in many respects connected both in history and law; they supply each other's deficiencies, and combine together, so that certain points they have in common come under the Constitutional Law of Holstein.'

"This community between the German Duchy of Holstein and the Danish Duchy of Schleswig, which the Diet now proclaims, will hardly be confined to the common establishments which the Royal Patent of the 28th January, 1852, admitted, whilst denying to them any political character; for it unfortunately too much resembles the Schleswig-Holstein principles, which have already once troubled the peace of the North. The expressions of the Report are vague, it is true, but they are so much the more fit to be used at a future time, and they present a sufficiently large framework, the filling up of which will not be neglected when the proper moment arrives."

What, then, is there surprising in this observation of the Report of the Commission? That, at the conclusion of peace, some institutions, some establishments, remained common to the two Duchies, is mentioned by the Danish Minister himself; that the legislation concerning these establishments belongs to the States of Schleswig and Holstein, that consequently it is a constitutional right of the two Duchies, M. Hall must know. The connection of which the Commission speaks may not suit the system of the Danish Minister, but it is not the less incontestable on that account; and to express oneself against a fact with a vehemence which nothing can justify, is to betray tendencies badly concealed under the veil of these unfounded accusations. To all these assertions of the Danish Ministry the express terms of the Report of the Commission and of the Resolutions of the Diet give the most formal denial.

M. Hall reproaches the Diet for having irregularly mixed up the affairs of the Duchies, but he cannot be ignorant that his reproach is quite unfounded, since the Diet has only conformed to the regulation in force, inasmuch as the affairs of Holstein and Schleswig have at all times been treated together by the same Commissions, and in particular the negotiations of 1851 and 1852 have been treated in the same manner. It is therefore quite clear that this is simply a question of administration, having no other object than to simplify the conduct of affairs, and that consequently the insinuations of M. Hall

seem to have another motive than that which has been alleged. With respect to this I will observe that this Minister, to support his tactics, does not cease to represent Schleswig as a Danish country; but the fact that this Duchy is not a country belonging to the Confederation does not make it a Danish Province, and it is shifting his ground to qualify it as such; it is to create a basis of operations which we could not admit, and which does not agree with the public right of Schleswig any more than with the transactions of 1851 and 1852.

I now come to another passage of the Danish despatch: "Let us see for a moment," says M. Hall," "of what use to us this negotiation has been, which we only commenced in consequence of the entreaties of friendly Powers, and for which we made the sacrifice of the 29th of July last." The time will come when all the world will see what this sacrifice is which is spoken of with so much emphasis, and which, in another place, the head of the Danish Cabinet very well defined, when he said in his speech of the 15th April last, that by the concession of the 29th July not one farthing less had been paid into the Treasury.

While pointing out to you this declaration of M. Hall, I will mention another fact, revealed in the last sitting of the Supreme Council. It is that the Danish Ministry have been authorized by three Royal Ordinances to draw out from the "reserve fund" the sum of 2,400,000 thalers or thereabouts, to cover the cost of the armaments by sea and land and the expenses of the furnishing of a Royal château. The reserve fund is a common chest belonging to all the countries which compose the Monarchy. The Supreme Council has approved this proceeding of the Government; but the consent of Holstein to the measure has not been asked, for the so-called common Constitution of October 2, 1855, is no longer in force as regards Holstein, which is consequently not represented in the Supreme Council. It follows that the Danish Government has disposed arbitrarily of the quota which falls to Holstein out of the reserve fund, and this is a sample of the manner in which that which Mr. Hall is pleased to call the sacrifice of the 29th of July has been rendered illusory.

All his account of the pending negotiation deserves the same appreciation. The propositions of the 26th of October were, according to his own avowal, in their essence the same as those which the Holstein States have just rejected; they did not even offer the same guarantees as the Diet, in its Resolutions of March 8, 1860, and February 7, 1861, had insisted upon in the interest of the country. Besides, there could be no question of a provisional arrangement, of which the Diet had already determined both the basis and the extent. We could therefore only have entered upon the discussion of the propositions of the 26th October on one condition, viz., that Denmark was willing seriously to proceed to a final solution of this question, and it is in this sense that we have addressed the Cabinet of Copenhagen, in order to be enlightened as to their views and intentions on this subject, particularly as concerns the position of Schleswig. But the Danish Government, by refusing all explanation on this point, have gone so far as to dispute the value of the engagements made to us and the German Confederation in 1851 and 1852, with regard to Schleswig. And in the midst of these discussions they have submitted to the Supreme Council two projects of law, having for their object the introduction into the Constitution of October 2, 1855, of modifications which would sensibly alter the position of Schleswig in the Monarchy.

By acting in this manner, by making us unacceptable propositions, by creating, step by step, new difficulties, the Danish Government could hardly intend to facilitate the negotiation, and hasten its conclusion. Thus, their last despatch of the 12th March, far from furnishing us with the clear and positive explanations which we had demanded, leaves us still in the same uncertainty, and can only serve to complicate the question.

"That the negotiations cannot continue long if they do not leave the groove in which they have been placed" is quite evident, and we agree perfectly with M. Hall in this respect. But what is it that hinders the Danish Government from quitting the path which has led them to this dead-lock? What is it which drives them to a policy so contrary to the stipulations which have been entered into, to a system of administration so little conformable to the Royal word, to justice, to humanity? Have not the unceasingly-renewed complaints of the States of Schleswig and of Holstein been heard at Copenhagen? In Germany they have found an echo, and moderation and patience should not be mistaken for indifference.

In conclusion, M. Hall makes a sort of appeal to Europe. He seems to meditate some extreme measure, and he claims in advance the concurrence of the Powers by making allusion to the promises which had been made to him on this subject. We doubt strongly that it is so; but you will have the goodness, M. le Comte, to make inquiries on this

point, and, at the same time, to communicate this despatch to the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland.

Receive, &c.

(Signed) BERNSTORFF.

No. 253.

Mr. Howard to Earl Russell.—(Received July 7.)

(Extract.) *Hanover, July 4, 1862.*

PRINCE YSENBURG, the Prussian Minister at this Court, has shown Count Platen the circular despatch of M. Hall, the Danish Minister for Foreign Affairs, of the 8th of May last, to the Danish Missions at Paris, London, St. Petersburgh, and Stockholm, on the question of the interference of the German Diet in the affairs of the Duchy of Schleswig, as well as a circular despatch, addressed by Count Bernstorff, on the 27th ultimo, to the Prussian Representatives at the three first of those Courts, commenting upon that despatch.

As both of these despatches were intended for communication to your Lordship, it would be superfluous for me to enter into their contents.

I will, therefore, only remark, that from a conversation which I had on the 2nd instant with Count Platen on the subject of these despatches, of which, however, Prince Ysenburg was not authorized to give him copies, his attention has been attracted by M. Hall's observation that the moment was perhaps not far distant when the Danish Government would be under the necessity of seeking a solution of the Holstein question by other means than those hitherto employed, and by Count Bernstorff's remark that M. Hall seems to contemplate some extreme measure.

Count Platen stated that, according to the intelligence he had received, there was reason to apprehend that the Danish Government were about to adopt some measure which would involve an incorporation of Schleswig in Denmark.

I replied, that I could not believe that the Danish Government contemplated such a step as the incorporation of Schleswig in the face of the opposition with which they must know it would be met on the parts of the Cabinets of London, Paris, and St. Petersburgh. At all events, I felt convinced that your Lordship would exert yourself to prevent it.

I learn that Count Platen expressed the same apprehension to Prince Ysenburg, and stated to him his concurrence with Count Bernstorff's despatch.

No. 254.

Earl Russell to Mr. Paget.

Sir, *Foreign Office, July 9, 1862.*

I TRANSMIT to you a copy of a despatch which has been placed in my hands by M. Bille.*

It has been addressed by M. Hall to the Danish Ministers at some of the Courts of Europe, though not to him.

It is not worth while to discuss the proposition which Denmark so decidedly rejects. But it is worthy of remark that the only suggestion which seemed to Her Majesty's Government to promise a solution is not specifically mentioned. It was that of a Second Chamber, which should be formed of representatives of the different States, each State being represented by the same number of members. Such has been for eighty years the Constitution of the Senate of the United States, in which body New York and Rhode Island are represented by equal numbers.

The antagonism which exists between the Danish and German subjects of the King of Denmark may, however, render this solution impracticable. Her Majesty's Government are far from wishing to insist upon it, but it does not seem to them an extravagant proposition.

I am, &c.

(Signed) RUSSELL.

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* No. 251.

No. 255.

Earl Russell to Lord A. Loftus.

My Lord, *Foreign Office, July* 10, 1862.

I TRANSMIT to your Lordship a copy of a despatch from Count de Bernstorff to Count Brandenburg,* which has been placed in my hands by the latter, containing observations on the circular addressed by the Danish Government to its Representatives in Paris, London, St. Petersburgh, and Vienna, on the 8th of May last, on the question of the Danish Duchies.

Her Majesty's Government regret to find that, instead of making any approach to each other, Prussia and Denmark become more violent and more exasperated at every step they take.

I am, &c.
(Signed) RUSSELL.

No. 256.

Mr. Fane to Earl Russell.—(Received July 14.)

(Extract.) *Vienna, July* 10, 1862.

COUNT BERNSTORFF has communicated to the Austrian Government the draft of a reply which he has drawn up to M. Hall's despatch of the 12th of March last, on the question of the Danish Duchies. This document, which is of considerable length, purports to state categorically the conditions of the arrangement of 1852, which the Danish Government has failed, in the opinion of Count Bernstorff, to satisfy.

Count Rechberg admitted to me that, while he approved the general tenour of the Prussian despatch, he thought the terms in which it was couched somewhat severe. I asked whether the despatch would be addressed to the Danish Government as an identic communication from the Cabinets of Berlin and Vienna. His Excellency replied that he had not finally determined on the form in which he should express his concurrence with the views of the Prussian Government, but he thought it would probably be by informing the Danish Cabinet that he "adhered" to the despatch of Count Bernstorff.

No. 257.

Lord A. Loftus to Earl Russell.—(Received July 14.)

(Extract.) *Berlin, July* 12, 1862.

IN reply to my inquiry last evening, Count Bernstorff stated that he had submitted to the Cabinet of Vienna a draft of the answer which the Prussian Cabinet proposed to make to the last communication of the Danish Government (in March last) on the subject of the differences between Germany and Denmark relating to the Duchies of Schleswig and Holstein.

He had not yet received the answer of the Cabinet of Vienna, but he was in daily expectation of its arrival, when, if approved by the Imperial Government, it would immediately be sent to Copenhagen.

I asked Count Bernstorff what was the general purport and nature of the projected communication.

His Excellency replied, that it would specify the nature of the engagements taken by the King of Denmark in 1852 as regarded those Duchies, and it would call upon the Danish Government to fulfil them.

I expressed a hope that they would be of a nature which could be complied with by the Danish Government, and thus effect a settlement of these long-pending and complicated negotiations.

To which Count Bernstorff replied, that Prussia only required what was her right, and what her honour demanded.

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* No. 252.

No. 258.

Mr. Fane to Earl Russell.—(Received July 21.)

(Extract.) *Vienna, July* 17, 1862.

I INQUIRED of Count Rechberg, on Monday, whether he had addressed to the Danish Government the communication referred to in my despatch to your Lordship of the 10th instant, by which he intended to signify his "adhesion" to the recent despatch of Count Bernstorff on the question of the Duchies.

His Excellency replied that he had not done so as yet, having been occupied with other matters; but that he was about to do so.

No. 259.

Lord A. Loftus to Earl Russell.—(Received July 21.)

(Extract.) *Berlin, July* 19, 1862.

ON referring yesterday, in conversation with Count Bernstorff, to the communication about to be addressed to the Danish Cabinet by the Austrian and Prussian Governments, I took occasion to read to his Excellency your Lordship's despatch of the 10th instant, in which it is stated that Her Majesty's Government regret to find, by the tenour of the despatch addressed to Count Brandenburg in reply to a circular of the Danish Government, that instead of making any approach to each other, Prussia and Denmark became more violent and more exasperated at every step they took.

Count Bernstorff stated that the Austrian Cabinet had acceded to the proposed draft of reply to the last Danish communication, and that it would be now transmitted forthwith to Copenhagen. His Excellency again repeated, that in this communication the grievances of Germany were specified, and an explanation was given of the engagements taken by Denmark towards Germany in 1851 and 1852, of which the strict execution was now claimed.

With reference to your Lordship's despatch, Count Bernstorff observed, that so long as Denmark was supported in resisting the rightful claims of Germany there existed little chance of bringing the differences at issue to a satisfactory arrangement.

He disclaimed, in strong terms, against the unfounded charges levelled against Germany in the circular of M. Hall, to which his despatch had replied; and he stated that Prussia would have been fully authorized, in consequence of the unfounded charges contained in that circular, to have declined any further negotiation with the Cabinet of Denmark.

He had not wished, however, to act with precipitation, and had, consequently, determined, in concert with Austria, to reply to the last Danish communication.

His Excellency here referred to the question of the partition of Schleswig. He said that he did not consider that it would be beneficial to the interests of Prussia or of Germany.

He had no predilections for this plan: on the contrary, he entertained objections to it; but he had conceived that it might have served as a compromise between all parties. He again denied that any communication of this nature had been made to the Austrian Cabinet; stating that it had only been alluded to in a report from Vienna, as having been the subject of a conversation between Count Rechberg and Baron Werther; but that it had never formed the subject of a formal proposal on the part of Prussia to Austria.

No. 260.

Mr. Manley to Earl Russell.—(Received July 28.)

My Lord, *Copenhagen, July* 23, 1862.

I HAVE not, owing to a severe indisposition, been able to see M. Hall since the arrival of the messenger, but M. Vedel, the Under-Secretary for Foreign Affairs, called on me yesterday, when I mentioned to him the fact stated in your Lordship's despatch of the 9th instant to Mr. Paget, namely, M. Hall's not having referred, in his note of the 23rd of June, addressed to the Danish Ministers at St. Petersburgh, Berlin, and Stockholm, to the only suggestion which appeared to Her Majesty's Government likely to promise a solution of the Holstein question, namely, that of the principle of a Second Chamber. M. Vedel was not very explicit as to the reason of its having been omitted, but said that

the plan of a Second Chamber had been proposed by M. Finecke in the last Session of the Holstein States two years ago, and that it had been unanimously rejected, M. de Blome and Count de Plessen also voting against the measure; but that the States were to assemble again towards the close of the present year, and that it would then be for them to take the initiative and to bring forward the proposal: but he remarked that both Count Plessen and M. Blome no longer possessed the influence they once exercised with the Holstein States. I inquired, if such a plan for a common Representation were adopted by the States, whether it would be accepted by the Danish Government. M. Vedel did not give any decided answer upon this point, but was of opinion that the plan would not be practicable, as he was certain that the two Chambers would in a very short time be in open collision; and said that, in general, any plan of an arrangement by which Holstein would be re-admitted into the common Representation with the rest of the Monarchy would be sure to meet with great opposition in the country, as every one was persuaded that it would always serve as a pretext for the German Diet to interfere in the internal affairs of the nation.

I have, &c.
(Signed) WM. CAMPBELL MANLEY.

No. 261.

Mr. Grey to Earl Russell.—(*Received July* 30.)

My Lord, *Paris, July* 29, 1862.

M. SICHE, the Danish Chargé d'Affaires, has communicated to me the inclosed copy of an extract from a despatch lately received by M. Hall, and forwarded by him to Count Moltke, the Danish Minister at this Court, with reference to the proposals transmitted from Berlin to Vienna on the Schleswig-Holstein question.

M. de Moltke, who has left Paris on leave of absence, was instructed to communicate this extract to his colleagues here, and I accordingly forward it to your Lordship, although I do not doubt it has already come to your knowledge.

I have, &c.
(Signed) W. G. GREY.

Inclosure in No. 261.

M. de Bülow (?) to M. Hall.

(Extrait.)

VOTRE Excellence connaît sans doutes depuis longtemps les démarches qui se préparent à Berlin, ou qui y ont déjà été faites par rapport à nos affaires. Aussi ce n'est que pour compléter les données qui lui seront parvenues qui je me permet d'informer votre Excellence qu'il existe ici une copie d'un mémoire relatif à cette question qui aurait dernièrement été envoyé de Berlin à Vienne. Ainsi que j'ai appris de source confidentielle cette pièce résumerait encore une fois la manière de voir de la Prusse dans la question Holsteinoise et celle du Slesvig. Mais au lieu de répondre franchement à la dépêche de votre Excellence du 12 Mars, le mémoire a plutôt en vue d'assurer à la Prusse la co-opération de l'Autriche à ses fins, savoir, (1) d'isoler de plus en plus le Danemarc et faire dépendre toute action dans les questions Européennes de concessions des grandes Puissances non-Allemandes dans l'affaire des Duchés; (2) d'insister en commun sur la stricte exécution des Arrêtés Fédéraux pris contre nous. Ainsi d'après l'opinion de mon interlocuteur dans quelques mois d'ici il s'agirait pour le Danemark, ou de s'entendre avec les Etats Holsteinois sur les questions du Budget ou de subir l'Exécution Fédérale.

Le Ministre de Prusse aurait enfin dans le mémoire même, ou dans sa lettre explicative, fait des allusions peu voilées à un partage du Slesvig comme étant le seul moyen propre à résoudre la question.

(Translation.)

(Extract.)

YOUR Excellency has, no doubt, long known the steps which are being prepared at Berlin, or which have been already taken there with respect to our affairs; and it is only in order to complete the information that will have reached your Excellency, that I take the liberty of informing you that there exists here a copy of a Memorandum

respecting this question, which is supposed to have been recently sent from Berlin to Vienna. According to what I have learnt from a confidential source, this document contains a fresh analysis of the views of Prussia in the question of Holstein and in that of Schleswig. But instead of frankly answering your Excellency's despatch of the 12th of March, the Memorandum has in view rather to assure to Prussia the co-operation of Austria in her objects, namely (1), to isolate Denmark more and more, and to make all action in the European questions depend upon concessions from the Great non-German Powers in the affairs of the Duchies; (2), to insist conjointly upon the strict execution of the Federal Decrees adopted against us. Thus, according to the opinion of my informant, in a few months hence Denmark would have either to come to an understanding with the Holstein States upon the questions of the Budget, or to submit to Federal Execution.

Finally, the Minister of Prussia is supposed, either in the Memorandum itself or in his explanatory letter, to have made almost undisguised allusions to a partition of Schleswig as being the only means proper for a solution of the question.

No. 262.

Mr. Fane to Earl Russell.—(*Received August* 11.)

My Lord, *Vienna, August* 7, 1862.

I LEARN from Count Rechberg that the draft of despatch on the subject of the Danish Duchies, which his Excellency proposes should assume the form of an identic communication, to be addressed by Austria and Prussia to the Danish Cabinet, in lieu of the despatch drawn up by Count Bernstorff, has been transmitted to Berlin for the approval of the Prussian Government, but that no reply has as yet been received by him as to the willingness of Count Bernstorff to adopt that despatch.

I have, &c.

(Signed) JULIAN FANE.

No. 263.

Mr. Corbett to Earl Russell.—(*Received August* 25.)

My Lord, *Stockholm, August* 18, 1862.

I HAVE the honour to inform your Lordship that Count Manderström returned from Germany on the 15th instant, and has resumed his duties as Minister for Foreign Affairs.

In the course of conversation to-day his Excellency mentioned that on his passage through Copenhagen he had learnt from M. Hall that the definitive answer of the Cabinets of Vienna and Berlin to the Danish note of March last relative to the Schleswig-Holstein question would be delivered at Copenhagen this week; that the two German Cabinets had made various attempts, without any success, to agree upon the terms of an identical note, and it had been finally agreed that the Representatives of Austria and Prussia at Copenhagen should present to the Danish Government an identical Memorandum, accompanied, however, by distinct notes, setting forth the rather divergent views of the two Governments on the matter.

Count Manderström said that he had been given to understand that the exigencies put forward by Prussia had been of such a nature as to prevent the Cabinet of Vienna from being able to agree to any identic form of words in the answer to be given to Denmark.

His Excellency added that although he was not acquainted with the exact words which would be made use of in the answer, still he knew enough of its contents to feel convinced that the pretensions put forward were of such a nature as to preclude the possibility of their being accepted by Denmark, and that nothing would remain for her but to separate the Duchy of Holstein entirely from the Danish Monarchy, and to appeal to the world to acknowledge that she had done everything that was possible in the way of concession.

His Excellency also said he was of opinion that such was the power of the National party at this moment in Germany that the Prussian Government could not settle the question on a basis acceptable to Denmark, even if they were inclined to do so.

I have, &c.

(Signed) EDWIN CORBETT.

No. 264.

Mr. Fane to Earl Russell.—(Received August 25.)

My Lord,

Vienna, August 20, 1862.

I HAVE the honour to report that the Prussian Government having suggested some modifications in the despatch which Count Rechberg proposes to address to the Danish Government on the question of the Duchies, his Excellency informs me that those modifications will for the most part be adopted, and he will then propose that each Cabinet shall forward its own despatch to Copenhagen.

It is, I believe, probable that this plan will be approved at Berlin, and that the communications to be addressed by Austria and Prussia to the Danish Government, although similar in their tenour, will not therefore be of an identic character.

I have, &c.

(Signed) JULIAN FANE.

No. 265.

Mr. Manley to Earl Russell.—(Received September 1.)

My Lord,

Copenhagen, August 28, 1862.

I HAVE just learnt that the reply of the Prussian Government to the Danish note of the 12th March has arrived; also a Memorandum of the Austrian Government, together with an instruction to the Austrian Chargé d'Affaires to inform M. Hall that his Government adhere to the substance of the Prussian note.

I have not yet seen either of these documents, but I am told that the Prussian despatch contains four categorical demands, namely,—

1. That the Danish Government should, in the first instance, abolish the entire Constitution of the whole Monarchy.

2. That they should assemble the Representative Bodies of the different portions of the Monarchy for the purpose of consulting with them, and receiving their consent with respect to the formation of a new Constitution.

3. That in the interval the King should exercise absolute power.

4. That the Royal Ordinance respecting the employment of the Danish language in the mixed districts of Schleswig should be repealed.

The Austrian Memorandum, I understand, is a kind of a historical review, but not a very correct one, of events since the years 1851 and 1852, and complains that Denmark has not carried out the promises made at that period to the Prussian and Austrian Governments, and particularly of the proceedings of the Danish Government since the year 1855.

M. Hall will not, I understand, send a reply just at present.

I will forward to your Lordship a translation of these documents as soon as I can obtain them.

I have, &c.

(Signed) WM. CAMPBELL MANLEY.

No. 266.

Mr. Fane to Earl Russell.—(Received September 1.)

My Lord,

Vienna, August 28, 1862.

COUNT RECHBERG informs me that the Austrian and Prussian Governments, adopting the plan which I reported as probable in my despatch of the 20th instant, will severally address the Cabinet of Copenhagen on the question of the Danish Duchies; and that these communications, although similar in substance, will not assume an identic form.

I have, &c.

(Signed) JULIAN FANE.

No. 267.

Earl Cowley to Earl Russell.—(Received September 6.)

My Lord, *Paris, September 5*, 1862.

M. THOUVENEL inquired of me this afternoon whether your Lordship had expressed any opinion to me relative to the last Prussian despatch on the Holstein question.

On my replying in the negative, his Excellency observed that he considered it out of the question that the Danish Government should listen to the Prussian proposals.

I have, &c.

(Signed) COWLEY.

No. 268.

Mr. Howard to Earl Russell.—(Received September 8.)

(Extract.) *Hanover, September 5*, 1862.

COUNT PLATEN has received the communication of the Memorandum recently transmitted to Copenhagen by the Austrian Government on the Schleswig-Holstein question, in answer to the despatch of M. Hall of the 12th of March last, but as late as this morning had not been put in possession of the Prussian Memorandum.

His Excellency expressed to me his high approval of the Austrian Memorandum, and observed that it was very moderate and kept within the due limits of interference, pointing out on the one side in general terms the demands which Austria considered herself authorized in putting forward on the part of Germany, and on the other leaving the settlement of the details to the Danish Government. His Excellency added, that he concurred with these demands, with the nature of which I assume your Lordship to be acquainted, and believed that on the basis of them an understanding could be arrived at.

No. 269.

Lord A. Loftus to Earl Russell.—(Received September 14.)

My Lord, *Berlin, September 13*, 1862.

I HAVE the honour to inclose to your Lordship herewith, in original, with a translation for which I am indebted to Mr. Morier, copy of a despatch addressed by Count Bernstorff to the Prussian Representative at Copenhagen in reply to the Danish communication of the 12th of March last.

In this despatch Count Bernstorff commences by referring to the unsatisfactory nature of the last Danish communication, and more especially in regard to the unwillingness of the Danish Cabinet to consider the question of Schleswig as intimately connected with that of Holstein and Lauenburg, and consequently as coming justly within the sphere of the present negotiation.

Count Bernstorff proceeds to express very clearly his views and interpretations of the engagements entered into in 1852. He states that in accordance with that agreement an independent and equal position should be granted to each of the four portions of the Monarchy in regard to their separate administration, while at the same time a common organ should be appointed for the common affairs of the Monarchy, in which no one portion should be incorporated with or rendered subject to the other. He then argues that the Duchy of Schleswig cannot be brought into a closer union with the Kingdom of Denmark than with the German Duchies, and that the Duchy of Schleswig is entitled to the same position as the other portions of the Kingdom with regard to the common affairs of the Monarchy. From this his Excellency deduces as a necessary conclusion that in the formation of this common organ the principle of assimilating the representation according to the population, as is now the case with respect to the Reichsrath, cannot be accepted as valid, as this would destroy the independence of the component parts, and cause the legislation to rest solely on a numerical majority. Reference is then made to the anomalous position of M. Hall, who, as President of the Danish Ministry, is at the same time Minister for Holstein and Lauenburg, and his Excellency claims that the rights enjoyed by Holstein in this respect should be equally

extended to Schleswig, which as little as Holstein can be regarded in the light of a Danish Province. He concludes by reminding the Danish Cabinet that whatever changes are to be effected can only be attained legally, with the concurrence of the several Provincial Assemblies of the whole Monarchy; and in referring more especially to the University of Kiel, he claims the fulfilment of the engagement made in 1852, guaranteeing equal rights and effective protection to the German as well as the Danish nationality.

Count Bernstorff, after thus setting forth the essential points of the agreement of 1852, proceeds to point out the just grievances of which Germany has to complain, on account of its non-observance by the Danish Government; and his Excellency then sums up as the minimum of the demands which Germany is rightfully entitled to claim, the following:—

1. The abolition of the common Constitution of 1855.
2. That a new project of Constitution shall be submitted to the several Representative Assemblies of all the portions of the Monarchy, the existing principle of representation according to the population being abolished.
3. That until a common organ shall be established for the common affairs of the Monarchy, each of the Local Assemblies shall have an equal degree of influence with regard to the common affairs, and that the Central Government shall be equally responsible to the several Assemblies for the administration of these affairs, and that the *status quo ante* of 1848, with respect to the language in Schleswig, shall be provisionally introduced until a final agreement be arrived at by a law with the co-operation and sanction of the Assembly of Schleswig.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 269.

Count Bernstorff to M. de Balan.

(Translation.)

Sir,

Berlin, August 22, 1862.

WE have hitherto delayed giving our opinion on the communication which the Danish Cabinet made to us in the despatch of the 12th of March. We were obliged earnestly to consider whether, and to what end, a continuation of a correspondence could be useful, which, from the Danish Government refusing to express themselves respecting their final intentions, seems destined to widen, rather than to narrow, the difference between the parties. Once more, on the present occasion, they have avoided answering the simple question as to whether they recognize the binding nature of the engagements taken in 1852, more especially as regards Schleswig, and whether they mean to adopt these as a basis for all further negotiations, by explanations and assertions which are partly of a general and undefined nature and partly stand in contradiction to each other. For if M. Hall, in the beginning of his despatch, acknowledges that the negotiations have the equally privileged position of the Duchies of Holstein and Lauenburg as their object, a question which, from the very nature of the circumstances, cannot be settled without reference to the positions of the other parts of the monarchy, and if he further expresses his satisfaction that Prussia holds fast to the engagements of 1852, and points out that it is self-evident that Denmark will fulfil these conditions, and yet if, notwithstanding these admissions, he considers the introduction of the Duchy of Schleswig into the present negotiations as superfluous, we confess that we are at a loss to reconcile such contradictions. Hence, to our deep regret, we are unable to discover in the communication of the 12th of March a single onward step towards an understanding, and we can refrain from entering further into the contents of this communication as we consider it unnecessary to explain oft-repeated assertions, and to disclaim reproaches whose want of foundation we look upon as recognized. The latter applies particularly to the assertion now again repeated, but we hope for the last time, that the German Confederation wished to extend the sphere of its Federal competency over a country which does not belong to it. The Danish Government will not succeeed in declining, under this pretext, all negotiations with the Diet concerning Schleswig, including those based on previous formal agreements, and bearing an international character.

We will, however, not give up all hope of a prosperous result of these negotiations. As the Danish Government has not, as yet, entered upon the material contents of the Convention of 1852, and has not announced to us their views as to the proper measures to be taken for its execution, we will endeavour to approach this object by explaining

more fully the contents of that Convention and by showing the claims which, according to our ideas, arise therefrom, and which are of a clear and simple nature.

We will only advert here in the simplest terms to what was agreed upon, and to the main principles and conditions which are to be deduced from this agreement and which are involved in its fulfilment. We cannot look upon it as our duty to make proposals respecting the fufilment of the agreement itself.

We hold fast, however, to our indubitable right of testing whether the fulfilment given or desired by the Danish Government corresponds with the principles agreed upon.

The Convention of 1852 promises an independent and equally privileged position for the various parts of the Monarchy in regard to their separate affairs; and at the same time ordains for their common affairs an organic and equal union of them into a whole, in which no portion shall be incorporated into another, or made subservient to another.

Hence it follows incontrovertibly that the Duchy of Schleswig cannot be brought into a closer union with the Kingdom of Denmark than with the Duchy of Holstein, and that no arrangement can be made by which the Government or the Representation of the Kingdom would obtain influence in the internal and special affairs of Schleswig.

It can, moreover, be shown that the right and proper influence of Holstein in common affairs cannot be withdrawn from her, and her participation in them cannot be limited to certain portions of the Legislature, or to the voting of certain quotas, but that her title, as regards the settlement of the common Budget, as well as with regard to all common laws and measures, must be the same as that of the other portions of the country.

This also applies to the Duchy of Schleswig, and we are, therefore, entitled by the text of the Convention (apart from the indirect influence which the position of Schleswig must exercise upon the position of Holstein), to give validity to this demand as regards the Duchy of Schleswig.

It further necessarily results from the above principles that in the institutions from which an organic community is to result and be maintained, every principle must be excluded which, like that of the mere number of the population, destroys the independence of the provinces as such, and transfers the decision to a numerical majority, which would be just and proper in an united country. Of whatever kind the Constitution may be, it must always maintain a character by which the separate provinces can be protected against harm from a majority of persons who are strangers to them. The same principles are to be applied to the Central Executive. The Government must stand in the same relation towards the Kingdom as towards the Duchies, and be no less responsible to the latter than to the former. The Austrian despatch of December 26, 1851, has already pointed out the evils which the Duchies would suffer from the Danish Ministry being invested with a two-fold position:* and we must call attention to the fact that it runs counter both to the nature of the circumstances and to the spirit of the Convention in question, that one of the portions of the Monarchy should be either not represented at all in this Central Executive, or should be so by an organ not belonging to it either by virtue of its position or personal interests, as has now for a long time been the case in regard to Holstein and Lauenburg.

In this respect also, Schleswig has the same rights as Holstein. Schleswig can just as little as Holstein assume the position of a Danish province—an expression the continually attempted repetition of which, in respect to the Dukedom of Schleswig, must be repudiated as totally inadmissible.

We must further remind the Danish Government that the organic institutions to be called into life must be brought about by legal and constitutional means; that is, by the Provincial Assemblies of the Duchies of Schleswig and Holstein, by decrees of the Danish Reichstrath, and by the co-operation of the estates of Lauenburg ("Ritter und Landschaft").

Lastly, we must remind the Danish Government that the non-political relations which the Duchies of Schleswig and Helstein have in common were expressly safeguarded in the negotiations (of 1852); that special attention was paid to the position of the University of Kiel; and that equal rights and an effective protection were guaranteed to the German as well as to the Danish nationality.

These are in substance the essential contents of the Agreement made in 1852.

How little now after ten years the present condition responds to them, nay, how in part it runs directly counter to them, we can spare ourselves the task of proving in detail.

* "Doppeltstellung," *i. e.*, being made partly responsible, partly irresponsible.—*Translator's Note.*

The *de facto* close connection of Schleswig with the Kingdom; the preponderating influence which is thereby accorded to the latter; the subordinate position in which Holstein is kept in respect to the common affairs of the Monarchy, particularly in what concerns the Budget; the systematic destruction of all natural and neighbourly relations between Schleswig and Holstein; the non-observance of engagements respecting the University of Kiel; the surfeiting of the Duchy of Schleswig with Danish employés in the administration, and with Danish clergy in the churches and schools, as well as the whole spirit of the administration in this Duchy; lastly, the oppression of the German nationality and the violation of the real and actual relations by the maintenance of the edict respecting language,—are facts which are self-evident, and for which everybody can have proofs.

And what even formal legal status can be attributed to the common Constitution of 1855, when it is remembered that the decision of the Danish Reichstag (which had rejected a former proposal) has been alone taken upon it, whilst the States of the three Duchies, contrary to the Agreement of 1852, have not been consulted, and when it is further called to mind that the paragraphs in the Provincial Constitutions having reference to the common affairs were expressly withdrawn from the discussion and decision of the States of the Duchies?

We have, therefore, a perfect right—a right which is conceded by mutual agreement—to demand of the Danish Government that it will take earnest measures to bring about a state of things in accordance with the above-mentioned outline, and that until this has been effected it will at least avoid or annul that which stands in direct opposition to it.

In drawing up the following deductions from the Agreement of 1852, we are indeed limiting ourselves to the lowest measure of that which we have a right to claim :—

1. That the common Constitution of 2nd October, 1855, which was called into existence by illegal means, that is, without the consultation of the States of Holstein and Schleswig, and without the co-operation of the Lauenburg Estates, shall be entirely, and therefore also as regards Schleswig, abolished.

2. That for the purpose of the re-establishment of an effective common Constitution, a new project of Constitution shall be submitted to the several Representative Assemblies of all parts of the Monarchy for their assent, in which the unconditional principle of representation according to the numbers of the population, must be abolished.

3. That so long as one Representative organ for the whole Monarchy shall not have been formed in this manner, an equal degree of influence with regard to the common affairs shall be conceded to the several Local Assemblies, and that the Central Government shall be equally responsible to the several Assemblies for the management of these affairs.

4. That for the preservation of the equality of nationalities in the Duchy of Schleswig, the *status quo ante* of 1848 with respect to language shall for the present be introduced until an agreement be arrived at by a law with the co-operation and sanction of the Assembly of Schleswig.

In reply to this explicit and precise exposé, we shall expect to obtain at last a precise and explicit declaration.

M. Hall will not be able to reproach us with giving a value "to stray remarks in the correspondence," which only belongs to the Agreement itself. What we have now laid down is that which constitutes the Agreement itself, and the spirit and object of the Agreement not less than the text render this interpretation of it a necessary one.

This object was no other than to find an equivalent, acceptable to both sides, for the previous ancient state of things, the continuance of which did not seem compatible with the circumstances of modern times, and with the change from an Absolute to a Representative Monarchy.

This ancient state of things was designated in the declaration of His Majesty King Christian VIII of 7th September, 1846, as follows:—"That both Duchies (Holstein and Schleswig) shall, besides the social nexus of the Schleswig Holstein Knights, have in common all relations connected with public rights, and this by virtue of a common or similar legislation and administration, in so far as no constitutional peculiarities of either Duchy stand in the way, with the exception always of Holstein's position as a member of the German Confederation, and of separate Assemblies in the two Duchies."

Does the Danish Government believe that Germany will at one and the same time give up this long-established status, and the guarantees given as a compensation for it? Or can, by the dissolution of the closer alliance which until then had bound up the Duchies of Holstein and Schleswig with each other, any one of the rights which were

independent of this connection be considered as abolished either in regard to the Duchies themselves or to third parties?

Their position in the monarchy was indeed to be altered, but that it should not be altered for the worse, more especially in regard to the Kingdom proper, lay in the very nature of the case; and permanently to safeguard this position was the end and object of the Agreement of 1852.

Must we, lastly, once more particularly revert to the fact that the two great German Powers found for themselves in these guarantees a justification for their participation in international negotiations concerning the common succession to the Monarchy, on which the Danish Minister laid so much stress?

We have now only two more short observations to make.

With regard to the provisional state of things in the Federal Duchies of Holstein and Lauenburg, it is a matter of course that the decisions of the Diet of the 8th of March, 1860, and of the 7th February, 1861, remain obligatory, and that concerning these decisions no further transaction can take place, as indeed no further negotiations concerning their meaning and execution are necessary. Their sense is clear, and their execution remains in the hands of the Danish Government. An intervention of the Diet caused by a violation of them would, as universally admitted, act entirely on the ground of the internal competency of the Federal Constitution.

The other remark touches the reference made by M. Hall, at the end of his despatch of the 12th March, to our protest of the 14th of February. To this we have only to remark, that we maintain this protest—to which the Diet has given its adhesion—in all its force; and it must be understood that we shall continue to do so during the further prosecution of these negotiations.

Your Excellency will make known and give a copy of this despatch to the Danish Minister for Foreign Affairs.

Accept, &c.
(Signed) BERNSTORFF.

No. 270.

Mr. Howard to Earl Russell.—(Received September 22.)

(Extract.) *Hanover, September 19, 1862.*

SINCE the date of my despatch of the 5th instant, Count Platen has received from the Prussian Minister communication of the despatch addressed by Count Bernstorff on the 22nd ultimo to the Prussian Envoy at Copenhagen containing, in answer to M. Hall's despatch of the 12th of March last, the demands of the Prussian Government in respect to the German Duchies and to the Duchy of Schleswig.

Count Platen informs me that he has conveyed to Prince Ysenburg his concurrence with the principles laid down by Count Bernstorff in this despatch.

No. 271.

Mr. Fané to Earl Russell.—(Received September 22.)

My Lord, *Vienna, September 18, 1862.*

WITH reference to my despatch of the 28th ultimo, I have the honour to inclose herewith the text of the Memorandum on the Danish Duchies which has been presented to the Danish Government by the Austrian Chargé d'Affaires at Copenhagen, simultaneously with the delivery of the Prussian despatch on the same subject. I also annex a translation of this document, which has been very zealously and ably executed by Mr. Dering under great pressure of time.

I have, &c.
(Signed) JULIAN FANE.

Inclosure in No. 271.

Extract from the "Donau Zeitung" of September 16, 1862.

(Translation.)

THE following Memorandum relating to the question of the Danish Duchies was communicated to the Danish Minister for Foreign Affairs by the Imperial Chargé d'Affaires at Copenhagen on the 25th ultimo, simultaneously with the note presented by the Prussian Minister at that Court:—

"The negotiations between Denmark and the German Powers, commenced last autumn, have as yet led to no approximation of the conflicting views of the two parties. This desirable end cannot, and will not, be attained until the Court of Copenhagen shall be willing to recognize at last the impracticability of the system inaugurated by the Constitution of October 2, 1855, and which has received already so severe a shock by its non-application to the Duchies of Holstein and Lauenburg, which non-application was demanded by the German Confederation.

"Before the German Powers proceed to reiterate definitively the demands which they have to make relating to the next decisions of Denmark, it will not perhaps be inopportune to cast a hurried retrospective glance at the manner in which that system arose, and then to consider its consequences, as they appear in the present abnormal state of affairs.

"It is notorious that the Constitution Law of October 2, 1855, must have been preceded by the downfall of that Ministry which set itself the task of carrying out in good faith the Agreement of 1851-52.

"This Ministry (at the head of which was Oersted, who was certainly a Danish patriot) expressed their sentiments in a Report, in which they submitted to the King the project of the Ordinance of July 26, 1854. This Ministry declared frankly to the Sovereign their conviction that a General Constitution of the nature which was afterwards proclaimed under the responsibility of other Ministers must lead to the subjection of the German to the Danish Provinces, and was consequently incompatible both with justice and with the engagements entered into with Germany. But the Oersted Ministry succumbed under the influence of the fanatic National-Danish party, then all-powerful in the Representative Assembly of the Kingdom. These very facts contain already a proof that the work of the successors of this Ministry, namely, the Constitution of October 2, 1855, sprang into life not in accordance with, but in opposition to, the Convention of 1851-52.

"From this moment the truth of the warning declaration made in 1854 became only too apparent. Denmark had engaged herself towards the German Powers to frame a General Constitution for the Monarchy by negotiation with the Danish Reichsrath, and consulting with the Provincial Diets. In this way, as was only just and proper, every province would share alike in framing a Constitution which should affect them all. How did the new Ministry fulfil their duty? They came to some indirect understanding with the Danish Diet, and then imposed on the Duchies the compromise arrived at specifically in the Danish interest, while they limited the participation of the Provincial Diets to questions of provincial administration. Who does not remember those negotiations when new plans for provincial administration were laid before the Diets of Schleswig and Holstein, with permission to discuss everything except the paragraphs relating to the General Constitution? And it was not without reason that the Diets of the Duchies were deprived of their legitimate influence in framing the General Constitution. According to the Agreement of 1851-52, the Duchies were placed in an equal but separate position with the remaining provinces of the Monarchy. The Constitutional Law of October 2, 1855, on the other hand, placed them in an inferior position in the Kingdom, as it created a Parliament consisting of eighty members, thirty-three only of which were to be sent by the two Duchies together, while the remaining forty-seven were to be furnished by the other provinces. And lastly, that administrative campaign was being carried on in the Duchy of Schleswig, having for object the development of the Danish language and nationality at the expense of the German, but which only succeeded in evoking such bitter and not uncalled for animadversions upon the measures adopted by Government.

"An independent voice in framing the Monarchical Constitution, equal rights with the other Provinces under this general Constitution, equal rights granted to both nationalities in Schleswig,—this was the actual meaning of the conditions which the German Powers, after the conflicts of 1848 and 1849, had obtained in favour of the Duchies. It was under these conditions only that the ancient tie between Schleswig and Holstein was dissolved, and the co-operation of the German Powers admitted in the settlement of the Succession question. But the Danish Government have now, under the influence of the National-Danish party, acted in opposition to these conditions.

"It were useless to allege that all this was the inevitable consequence of the introduction of the Constitutional system. The Danish Monarchy had contracted certain obligations relating to some of her provinces with foreign Powers,—obligations which from their very nature must exercise a certain influence on the constitutional organization of the whole kingdom. No internal change in the principle of Government could free the Danish Court from these external obligations. Besides, the basis for the

abandonment of Absolutism in questions common to the whole Monarchy was contained in the Convention of 1852; and if the Danish Government found it necessary at a later period to invest the Representative Assembly of the United Monarchy with fuller powers than they had originally contemplated, their desire could doubtless influence the manner in which the terms of the Agreement might be carried out, but could neither abrogate nor alter one single point therein contained. Constitutional principles should not serve the Danes as a cloak for securing to themselves an ascendancy over the German element in a manner contrary to the letter and spirit of their obligations. This was, however, the idea which lent its indelible stamp to the actions of the successors of the Oersted Ministry even up to the present day, and not merely the introduction of a more liberal system of Government.

"Danish statesmen have, since that change in 1855, certainly never admitted that their measures were at variance with the Agreement existing between Denmark and the German Powers. They have, on the contrary, not been sparing in attempts to prove the conformity of their actions with this Convention. Not only are the State archives of Copenhagen, Flensburg, and Itzehoe, but all European archives as well, full of similar deductions. Such deductions, however, could never attain their end. Facts contradicted them far too strongly. Neither the Diets of Holstein and Schleswig, nor the Cabinets of Vienna and Berlin, nor the Federal Diet, were persuaded that the stipulations of the Convention of 1851-52 had been properly carried out. These began, on the contrary, that long series of Dietal protests, of German intervention, of Federal decrees and threats of Execution which at last obliged the Danish Government to annul the Constitution of October 2, 1855, so far as regarded Holstein and Lauenburg, and thus brought about the untenable state of things which we have at this moment under our eyes.

"How irregular, indeed, is this present state of affairs!

"Before the Decree of November 6, 1858, which released Holstein and Lauenburg from the repeatedly mentioned Constitution of 1855, the Cabinet of Copenhagen, as stated above, exerted themselves to prove that the stipulations of 1851 and 1852 had been carried into effect.

"After this Decree such a statement could not be maintained. Nothing could be clearer than the fact that each Province of the Kingdom should bear an equal share in forming the Constitution for the whole Monarchy; Schleswig, therefore, could claim to be received among the Provinces on the same footing with Holstein.

"This incontestable stipulation must, from the very first moment, render impracticable the intentions of the Danish Government to maintain for Denmark Proper and Schleswig the Constitution from which Holstein and Lauenburg were emancipated. It would be impossible to find a more inadmissible combination than a Danish-Schleswig Parliament, in which Holstein and Lauenburg should not participate. The Provincial Diets of Holstein proved with incontestable logic in a representation dated March 11, 1859, and those of Schleswig in an address of February 11, 1860, that the Constitution abolished in Holstein could no longer be valid in Schleswig.

"Further, if the explanations which M. Hall addressed to Vienna and Berlin on March 12 last be carefully sifted, it will be seen that the Danish Government themselves are aware of the complete contradiction existing between the present *status quo* and the rights claimed by the German Powers. For the Danish Government expresses the hope that they will not be regarded as responsible for a state of things which was brought about, not by their own will, but by the decisions of the German Federal Diet.

"The German Powers can never admit that the Cabinet of Copenhagen can evade the responsibility of the consequences attendant upon the system pursued by them since 1855. However that may be, it is at all events clear that the present state of the Constitutional relations of the Danish Monarchy distinctly infringe the rights reserved to the Duchies by the transactions of 1851 and 1852. What, then, are the practical results of this fact?

"The indisputable consequence is, that a 'Provisorium,' which should prolong the existence of a Danish Schleswig Parliament to the exclusion of Holstein can neither be continued, nor a fresh one convoked, without the free assent of all parties interested, *i.e.*, the Diets of the Duchies and that of the German Confederation.

"For, as all parties interested have a right to insist upon the immediate abolition of the present state of things, and on the eventual fulfilment by Denmark of her obligations, it depends also upon them to determine the conditions upon which they will accept the continuance of a new 'Provisorium.'

"It is vain for the Danish Government to reiterate that they have often exerted themselves to arrive at some understanding with the Diets of Holstein respecting provi-

sional powers with which that Duchy might be vested, as regarded questions relating to the united Monarchy. These Diets did not subscribe to the proposals made to them on this subject March 2, 1861, as they saw no reason for accepting for Holstein an incomplete and semi-recognized position in the united Monarchy, while at the same time the *de facto* tie between Schleswig and Denmark still existed by means of a common Parliament, evidently the first step towards incorporation. How could the Cabinet of Copenhagen pre-suppose that the German Powers would consider those proposals, which had already been rejected by the Diet of Holstein, as a practical basis for fresh negotiations?

"It is true that the Danish Government coupled with those proposals of March 2, 1861, an attempt to bring about a definitive solution of the Constitutional question. They requested the opinion of the Holstein Diet as to whether a division of the Reichsrath convoked by the Constitution of October 2, 1855, into two Chambers would be the means of doing away with their objections to this form of representation. The arrangements, however, suggested in the sketch of this Assembly contained just as little as the law of 1855 any guarantee that laws would not be imposed upon the Duchies unconditionally included in the general Constitution, by a majority of Danish votes. The Holstein Diets consequently categorically rejected the proposals laid before them.

"Do not circumstances speak positively enough, after so much experience, in favour of a decided alteration in the system pursued hitherto? In the face of such a state of things the precise conditions to which the German Powers holding to the Agreement of 1851-52 must now more than ever adhere, are very apparent from the foregoing glance at the history of this lamentable quarrel. The Danish Government seem to be left between the two following alternatives:—either it is still possible for them to establish on a new basis some purely provisional arrangement of the constitutional relations of Holstein with independent co-operation of the Representative Assembly of that Duchy, and in this case they must not delay to take appropriate measures, or else all attempts to attain this end are already exhausted; in which case they cannot too quickly decide definitively to abolish the Constitution of October 1855, in all parts of the country, and to recommence the work of organising the kingdom, and this time without falling into the serious and material errors contained in the former attempt.

"The Imperial Government would exceed their functions if they attempted to make any detailed suggestions as to the manner of carrying out this work. The Cabinet of Copenhagen can only succeed in this important task by their own determination to do so, and by acting this time free from party influences, and strictly in the spirit of the International Agreement of 1851-52, by providing with even-handed justice and equal care for the interests of the Duchies and for those of the Kingdom of Denmark itself. The Imperial Government confine themselves to mentioning the fundamental conditions which arise from the foregoing considerations. These conditions are:—

"1. That the opinions of the Danish Parliament and of the Diets of the Duchies be heard at the same time, and with impartial justice, respecting a project for a Constitutional Law affecting questions common to the United Monarchy; and

"2. That in this project a suitable provision be introduced to protect the Duchies from the danger of permanent prejudice accruing to their interests from a majority of Danish votes.

"Nor less necessary and important is it—

"3. That the exertions made throughout the Duchy of Schleswig to repress the German element by means of decrees and administrative measures be given up; that the state of things existing in this respect in 1847 be re-introduced; and that a law be passed, in conjunction with the Schleswig-Holstein Diets, to regulate the question of language.

"These are the demands which Austria has to make, and they are within the bounds of the rights acquired in the name of the German Confederation. The Danish Government will only serve the obvious interests of their own Kingdom in carrying them out to the very letter. They can do justice to these demands with undiminished dignity, as it is not the desire of exercising unjustifiable influence over the internal affairs of an independent Monarchy which inspires the German Powers, but a feeling of duty to protect rights which Germany obtained for herself after the occurrence of serious events, and not without sacrifices and resistance.

"The Imperial Cabinet of Austria will not conclude this statement without touching, in their capacity of participators in the Treaty of London of 1852, upon a further question, in which they, however, merely wish to point out a political point of view which may be taken of this question. They have declared what their right is, and wish now to extend their counsel upon one further point. It is difficult to conceive what real interest the Danish Government can have, now that the Succession

question is settled, in continually striving to sever every tie between Schleswig and Holstein, and so do away with the past history of these two provinces.

"If even, in reality, the tendencies of the Schleswig-Holsteiners threatened the integrity of the Danish Monarchy, as long as they were supported by the different rights to the Succession in the Sovereign Houses, this can now no longer be the case, since the union of the rights of Succession throughout the whole Monarchy has been assured by an European Act. The integrity of the Monarchy, recognized by the London Treaty, can hardly be endangered by the wish expressed by the German subjects of the King for the restoration of a state of things justified by history; it can only be strengthened by it. Compare the present position of the Duchies with their position before 1848. The Danish portion of the country had then two separate Diets, as the Germans had. The balance of the two nationalities was thus kept up, and found a sort of guarantee in this arrangement. Now, instead of the two Diets of Jutland and the Islands, there exists only one Danish National Assembly. The Danish element is now, so to speak, united. With respect to the German element, however, far from any attempt to unite it, every care has been taken to sever even those administrative bonds to which the Duchies were accustomed for centuries. It has been tried to set the divided German against the compact Danish nationality. It can hardly be wrong to seek in this very fact a principal reason for the disturbances in the Duchies, and the miscarriage of all the attempts at a Constitution. For this reason there could hardly be found a better conciliatory measure among all those which might be taken by the Danish Government, than that they should resolve to depart of their own accord from the strictness of those conditions which were granted in 1851 by the German Powers, respecting the dissolution of the formerly-existing link between the Duchies of Schleswig and Holstein."

No. 272.

Mr. Manley to Earl Russell.—(Received September 22.)

My Lord, *Copenhagen, September 18, 1862.*

I HAVE not, owing to the continued ill state of my health, been able to see M. Hall, but M. Vedel, the Under-Secretary for Foreign Affairs, called on me yesterday, when I took the opportunity to inquire when the reply to the last Prussian note and Austrian memorandum would be dispatched, and what would be the probable nature of it. He said he thought it would be sent off some time next month; that of course it was impossible for the Danish Government to agree to the demands of Prussia and Austria, and that he believed they would in their reply set forth their own views on the question.

I have, &c.
(Signed) WM. CAMPBELL MANLEY.

No. 273.

Mr. Lowther to Earl Russell.—(Received September 22.)

My Lord, *Berlin, September 20, 1862.*

IN acknowledging the receipt of a copy of Earl Cowley's despatch of the 5th instant, in which his Excellency reports that M. Thouvenel had observed he considered it out of the question that the Danish Government should listen to the Prussian proposal, I have the honour to state that in a conversation which I had with M. Quaade, Danish Minister at this Court, on the subject of the Duchies, M. Quaade stated that he looked upon the state of the question at present as most critical; for the Danish Government certainly could not agree to the proposals lately made by the Prussian Government, and he feared that an angry correspondence might ensue, and if this should be the case it would be difficult to say to what it might not lead.

I have, &c.
(Signed) WILLIAM LOWTHER.

No. 274.

*Earl Russell to Mr. Fane.**

Sir, *Foreign Office, September 24, 1862.*

IT appears from the accounts received from various quarters that the correspondence between Austria, Prussia, and Denmark, which it was asserted would lead to a settlement

* Identic despatches were addressed on the same day to Mr. Lowther and Mr. Paget.

of the dispute so long subsisting between Germany and Denmark in regard to the obligations of Denmark in the affairs of Holstein, Lauenburg, Schleswig, and the common Constitution of the Danish Monarchy, has grown more and more bitter. The longer the lapse of time, and the further the negotiation is carried, the wider is the space which separates the two parties, and the stronger the language which they use towards each other.

Upon considering, with pain and regret, this unsatisfactory aspect of the affair, and contemplating the unfavourable results which may be expected from further direct communications between Powers so adverse in their opinions, Her Majesty has directed that you should be furnished with instructions which may, it is hoped, tend to the long-desired settlement.

In framing these instructions it is advisable to throw out of the calculation, in the first place, those matters upon which controversy may be said to be exhausted.

The first of these matters relates to the question whether any taxes can be imposed, or any laws enacted, in Holstein or Lauenburg without the express consent of the Representatives of those Duchies.

This question has been resolved in the negative by the German Confederation, of which the Duchies of Holstein and Lauenburg are members.

Another question which need not be further discussed is the Constitution of 1855.

It is clear that whether a representation according to numbers of the kingdom, as well as the Duchies, be a good or a bad Constitution, yet, not having been accepted by the Duchies, the Constitution of 1855 has no force in Holstein, Lauenburg, or Schleswig.

Neither is it necessary to discuss the rights of Denmark in reference to her Rigsraad. It is quite clear that Denmark can legislate for herself, and impose taxes to be levied upon her own people, without the consent of Holstein, Lauenburg, or Schleswig.

Two questions of great importance remain. The first regards the Duchy of Schleswig; the second, the common constitution of the Monarchy.

Schleswig was formerly in a position altogether anomalous. Unconnected with the German Confederation, it was yet connected with Holstein, which formed part of that Confederation. Later arrangements have dissolved this inconvenient tie, and Schleswig is at present only connected with Holstein by non-political relations affecting the two communities.

There are, however, relations between Germany and Denmark in respect to Schleswig which have given rise to the present controversy.

The obligations of honour contracted by Denmark towards Schleswig, and imparted to the German Confederation as such by the King of Denmark in 1852, chiefly regard two points. The first of these is the Royal promise that Schleswig shall not be incorporated with Denmark. The second is, in substance, an engagement that the Germans in Schleswig shall be treated on an equal footing with persons of Danish or any other nationality.

The grievances of which Germany complains as violations of these promises are thus summed up in the recent Prussian note of the 22nd of August:—

"The systematic destruction of national and neighbourly connection between Schleswig and Holstein; the disregard of the determination concerning the University of Kiel; the filling of the Duchy of Schleswig with Danish officials in the Administration, with Danish clergy in church and school, as well as the whole spirit of the Administration in this Duchy; finally, the violation of all actual and practical relations by the maintenance of the language Edict, are matters of fact which are notoriously public, and of which the evidence is in the hands of every one."

For all practical purposes, it would be vain to attempt a constant supervision by Germany of the nomination to civil offices of Danish officials in Schleswig, or the administration in church and school by Danish Ministers of religion. Such superintendence would lead to a constant renewal of quarrels, and a perpetuity of ill-will.

The best mode, therefore, of remedying these evils for the present, and of preventing complaints for the future, is to grant a complete autonomy to Schleswig, allow the Diet of Schleswig fairly to treat, and independently to decide upon questions affecting their university, their churches and schools, the language to be used where the Danish population prevails, where the Germans preponderate, and where the races are mixed.

I come lastly to the question of the Constitution, the most entangled and the most embarrassing question of all those in discussion.

Treaties, Protocols, and despatches afford us little light upon this subject, and the glimmering rays which they do afford tend rather to lead us astray than to guide us right.

For what could be more destructive of all union, all efficiency, all strength, and, indeed, of all independence, than to lay down as an absolute rule that no law should be passed and no Budget sanctioned unless the four States of the Monarchy all concurred? What would Austria say if she were asked to accept a Constitution which should paralyse

the action of the Reichsrath at Vienna till separate Diets in Hungary, in Gallicia, and in Venetia, should have adopted the same law or sanctioned the same Budget? How would Prussia herself bear an absolute veto on the proceedings of her Parliament given to the Diet of Posen?

If such a Constitution must lead to an early and decisive rupture, let us consider whether each portion might not have its due independent movement without clogging the wheels of the whole machine. For instance, if the sums required for the navy were represented by 90, of which Denmark were to furnish 60, and the other States 30, Denmark might vote, and apply her contingent of 60, independently of the vote of the other three portions.

There is only one objection to be made to this suggestion which deserves consideration.

If the 1,600,000 people of Denmark were taxed to pay the army and navy, and the 50,000 of Lauenburg were to refuse any grant for these purposes, a hardship would be suffered by the inhabitants of the kingdom when compared with the situation of the King-Duke's subjects in Lauenburg.

The remedy for this inequality is to be found in a proposal for a normal Budget, to be laid before the Rigsraad, and before the Diets of Holstein, Lauenburg, and Schleswig, for their consent.

It is obvious that the Government of an independent kingdom like Denmark must, for the maintenance of that independence, require a certain amount of expenditure for the Civil List of the Sovereign, for the Diplomatic Service, for the Army and Navy of the State.

Let this be reckoned as economically as possible; for the least amount of royal dignity; for the most frugal establishments of profound peace.

Obtain that sum from the four Representative Bodies. Confide its distribution to a Council of State, formed, two-thirds of Danes, and one-third of Germans. Let the votes of this Council be taken in public, and accounts of the expenditure published yearly.

The normal Budget to be voted in gross for ten years. The distribution or expenditure to be voted yearly.

Extraordinary expenses beyond the normal Budget to be voted freely by the Kingdom and the three Duchies separately.

The suggestions I have made may be summed up in a few words:—

1. Holstein and Lauenburg to have all that the German Confederation ask for them.
2. Schleswig to have the power of self-government, and not to be represented in the Rigsraad.
3. A normal Budget to be agreed upon by Denmark, Holstein, Lauenburg, and Schleswig.
4. Any extraordinary expenses to be submitted to the Rigsraad, and to the separate Diets of Holstein, Lauenburg, and Schleswig.

You will give a copy of this despatch to Count Rechberg, and invite his serious attention to its contents.

I am, &c.

(Signed) RUSSELL.

No. 275.

Mr. Lowther to Earl Russell.—(Received September 29.)

My Lord, *Berlin, September 27, 1862.*

I HAVE the honour to inform your Lordship that, in conformity with the instructions contained in your Lordship's despatch of the 24th instant, I read to Count Bernstorff that despatch, and left with him a copy of it, and invited his serious attention to its contents.

When I had finished reading the despatch, his Excellency begged me to thank your Lordship for this communication, in which he said the whole question was so clearly put, and which bore evident signs of the anxious wish of Her Majesty's Government to bring about a settlement of this intricate question.

But, added his Excellency, goodwill on the part of Her Majesty's Government, or of that of Prussia, are of little use unless some influence is exerted at Copenhagen, in order to induce the Danish Government to come to an arrangement which can be accepted by Germany. This arrangement, he said, may be contained in your Lordship's above-named despatch; and, as far as he could judge at present, he had no objection to make to the suggestions contained in it.

With regard to that sentence in which your Lordship states that the sum to be required for the Civil List, the Diplomatic Service, the Army and Navy, should be confided

for distribution to a Council of State, formed of two-thirds of Danes and one-third of Germans, his Excellency remarked that there was not a proper proportion between the two.

I have, &c.
(Signed) WILLIAM LOWTHER.

No. 276.

*Earl Russell to Earl Cowley.**

My Lord, *Foreign Office, October* 1, 1862.

I INCLOSE herewith to your Excellency a copy of an instruction which I have addressed to Her Majesty's Representatives at Berlin, Vienna, and Copenhagen,† upon the subject of the dispute so long subsisting between Germany and Denmark, in regard to the obligations of the latter in the affairs of the Duchies.

I also inclose a copy of a despatch which I have received from Her Majesty's Chargé d'Affaires at Berlin,‡ from which your Excellency will perceive that the Prussian Government are disposed to take a favourable view of the suggestions offered in my despatch.

I have to instruct your Excellency to communicate with M. Thouvenel upon this subject, and to ask his Excellency to support the plan of Her Majesty's Government at Copenhagen, with any modification of details which may be found advisable.

I am, &c.
(Signed) RUSSELL.

No. 277.

Mr. Lowther to Earl Russell.—(*Received October* 3.)

My Lord, *Berlin, September* 30, 1862.

WITH reference to my despatch of the 27th September, I have the honour to inform your Lordship that Count Bernstorff yesterday informed me he had been able to read over more attentively the copy which I had given him of your Lordship's despatch to me of the 24th instant, relative to the question of the Danish Duchies.

His Excellency said he had found nothing in it to which he could make much objection. There were some points, of minor importance, which he would be glad to discuss with your Lordship, and which he hoped to have an opportunity of doing on his return, in a few days, to London.

He added, however, that no steps could be taken at present in the matter, as it would be necessary first to see what answer would be returned by the Danish Government to the last communications from Prussia and Austria.

His Excellency repeated what he had said to me on the 27th instant, that he considered the proportion of two-thirds Danes and one-third Germans, in the Council of State, was hardly a fair one.

I have, &c.
(Signed) WILLIAM LOWTHER.

No. 278.

Earl Cowley to Earl Russell.—(*Received October* 4.)

(Extract.) *Paris, October* 3, 1862.

IN compliance with the instructions contained in your Lordship's despatch of the 1st instant, I have communicated to M. Thouvenel your despatch of the 24th ultimo to Mr. Lowther, containing suggestions for the settlement of the dispute so long subsisting between Germany and Denmark in regard to the obligations of the latter in the affairs of the Duchies; and after stating that, from information which your Lordship had received from Berlin, it was to be hoped that the Prussian Government was disposed to take a favourable view of those suggestions, I asked M. Thouvenel to support them at Copenhagen.

M. Thouvenel had already received from Berlin information that your Lordship had laid before the Prussian Government a plan which, however, had not been favourably

* A similar despatch was addressed to Lord Napier. † No. 274. ‡ No. 275.

viewed. I replied that the accounts received by Her Majesty's Government were of a different complexion. M. Thouvenel rejoined, that he believed that some details had not at first been understood, and that since they had been examined into, they had given rise to objections.

Guarding himself against pronouncing any opinion of their merits, M. Thouvenel said that he had no objection to recommend the suggestions of Her Majesty's Government to the serious consideration of the Government of Denmark.

No. 279.

Mr. Fane to Earl Russell.—(Received October 6.)

My Lord, *Vienna, October 2, 1862.*

I HAVE had the honour of receiving your Lordship's despatch of the 24th ultimo, furnishing me with instructions which may, it is hoped, tend to the desired settlement of the dispute so long subsisting between Germany and Denmark in regard to the obligations of Denmark in the affairs of Holstein, Lauenburg, Schleswig, and the common Constitution of the Danish Monarchy.

I communicated, on Tuesday last, your Lordship's above-cited despatch to Count Rechberg. His Excellency listened with great attention while I read to him this important document, and on my placing a copy of it in his hands assured me that his most serious attention should be given to its contents. I would not expect, Count Rechberg observed, that he should pronounce any opinion on a State paper of such length and of so much interest, after hearing it once read, and he would prefer reserving all expression of opinion on it to the utterance of such crude remarks as he might at present be able to offer me.

I said that I entirely concurred in the view taken by his Excellency of the disadvantages of premature conversation on a topic of so much importance. Your Lordship's despatch, I observed, although it offered what I ventured to think a simple solution of a very complicated problem, would, nevertheless, demand the studious attention of the Imperial Government, and I thought it would be expedient that we should postpone even an interchange of ideas on its subject matter until his Excellency had been able to acquaint himself thoroughly with its details.

There was only one paragraph of your Lordship's despatch on arriving at which I interrupted my reading in order to fix Count Rechberg's attention upon the coincidence of ideas which appeared to me to prevail between your Lordship and his Excellency. Your Lordship asks, "What could be more destructive of all union, all efficiency, all strength, and indeed of all independance, than to lay down, as an absolute rule, that no law should be passed, and no budget sanctioned, unless the four States of the Monarchy all concurred?" If I was not mistaken, I observed, it was precisely because the principle condemned by your Lordship was sanctioned in the recent despatch of Count Bernstorff on the question of the Danish Duchies, that the Austrian Government had declined to sign that document in the form of an identic note, since they could not expressly advocate the application in a foreign country of a principle which they were specially employed in combating at home.

Count Rechberg assented to this remark, and I continued to read from your Lordship's despatch as follows:—"What would Austria say if she were asked to accept a Constitution which should paralyse the action of the Reichsrath at Vienna till separate Diets in Hungary, in Gallicia, and in Venetia, should have adopted the same law, or sanctioned the same Budget?" To this question, I observed, the policy which the Imperial Government was pursuing at home with so much care and perseverance furnished a conclusive reply; and Count Rechberg having assented also to this remark, I read to the close of your Lordship's despatch without further interruption.

I have, &c.
(Signed) JULIAN FANE.

No. 280.

Earl Russell to Mr. Fane.

Sir, *Foreign Office, October 8, 1862.*

IN reply to your despatch of the 2nd instant, I have to inform you that I approve of the language you used to Count Rechberg on communicating to his Excellency my despatch of the 24th ultimo, on the subject of the Danish Duchies question.

I am, &c.
(Signed) RUSSELL.

No. 281.

M. Hall to M. Bille.—(Communicated to Earl Russell by M. Bille, October 10.)

Monsieur, *Glücksborg, le 5 Octobre*, 1862.

SI le Gouvernement du Roi n'a pu encore expédier sa réponse—et il n'y en a qu'une possible—aux notes des deux Puissances Allemandes, vous devinez, Monsieur, qu'il n'y a d'autre raison à cela que l'absence du Roi de la capitale, qui ne permet pas la réunion du Conseil d'Etat nécessaire pour l'envoi de cette réponse. Car sur le fond de l'affaire la manière de voir du Gouvernement ne saurait être douteuse pour personne, pas même, j'ose le dire, pour les Gouvernements qui ont formulé des demandes si exorbitantes.

Dicter au Gouvernement Danois l'abolition de la Constitution commune, qui n'embrasse plus aujourd'hui que les parties de la Monarchie qui sont en dehors de toute compétence de l'Allemagne; nous imposer, pour remplacer le régime constitutionnel, ou l'absolutisme, auquel l'esprit du peuple et le progrès de notre civilisation ne se prêterait plus, ou l'anarchie, car c'est le seul nom qu'on puisse donner à la proposition d'après laquelle chaque loi commune et chaque dépense de la Monarchie devraient être approuvées préalablement par quatre Assemblées Délibératives; vouloir enfin régler les questions purement intérieures d'une province exclusivement Danoise;—voilà des exigences auxquelles le Gouvernement du Roi ne pourrait pas accéder sans abdiquer, je ne dis pas notre dignité, mais l'existence même d'un Etat Danois indépendant de la volonté arbitraire de l'Allemagne. Mieux que tout autre Gouvernement, celui de l'Angleterre appréciera l'impossibilité qu'il y a pour le Danemark à se laisser refouler dans les formes surannées d'un pouvoir absolu. Aussi est-ce avec un véritable plaisir que je me rappelle combien de fois Lord Russell a reconnu et revendiqué dans les termes les plus précis l'indépendance des parties non-Allemandes de la Monarchie Danoise de toute intervention étrangère "qui impliquerait le mépris non seulement du droit des gens, mais encore les intérêts les plus sacrés du Nord;" et Mr. Paget a parfaitement bien prévu les aspirations de la Confédération Germanique, lorsqu'il a dit dans sa dépêche du 3 Juillet, 1860, "qu'elle ne se contenterait pas de moins que du renversement de l'organisation actuelle de la Monarchie pour retourner à l'ordre de choses existant avant 1848, et du rétablissement des rapports antérieurs entre le Slesvig et le Holstein—un arrangement auquel aucun Gouvernement Danois ne pourrait être amené à se prêter, en supposant même qu'on voulût le presser pour le faire."

Je vous prie, Monsieur, d'exprimer à Lord Russell notre espoir qu'il voudra bien continuer à nous prêter son puissant appui auprès des Puissances qui, jusqu'à présent, n'avaient peut-être pas jugé avec la même netteté que la diplomatie Anglaise jusqu'où en viendraient les prétentions Allemandes, et à quel point cesserait pour le Cabinet Danois toute possibilité de céder.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Glücksborg, October 5*, 1862.

IF the King's Government has not yet been able to send its answer—and only one answer is possible—to the notes of the two German Powers, you can imagine, Sir, that it is only on account of the absence of the King from the capital, which does not allow of the assembling of the Council of State necessary for the despatch of this answer. For, with regard to the principle of the affair, the view taken by the Government can be a matter of doubt to no one, not even, I may venture to say, to the Governments who have made such exorbitant demands.

To dictate to the Danish Government the abolition of the common Constitution which now only embraces those parts of the Monarchy which are quite beyond the competence of Germany; to impose on us, as a substitute for Constitutional Government, either absolutism, in which the spirit of the people and the progress of our civilization would no longer acquiesce, or anarchy, for that is the only name which can be given to the proposal according to which every general law and every item of expenditure of the Government would have to be previously approved by four Deliberative Assemblies; to attempt, finally, to decide the purely internal questions of an exclusively Danish province;—these are demands to which the King's Government could not accede without abdicating, I do not say our dignity, but even the existence of a Danish State independent of the arbitrary will of Germany. The Government of England will appreciate, better than any other Government, how impossible it is for Denmark to allow herself to be thrust back into the obsolete forms of absolute power. It is, therefore, with true pleasure that I remember how often Lord Russell has recognized and claimed in the most precise terms the independence of the non-German portion of the Danish Monarchy from all foreign intervention "which would imply a contempt not only for the law of nations, but

also for the most sacred interests of the North ;" and Mr. Paget accurately foresaw the aspirations of the Germanic Confederation, when he said in his despatch of the 3rd of July, 1860, that it would not be contented with less than "a subversion of the existing organization of the Monarchy, in order to revert to the state of things which existed before 1848, and a re-establishment of the former political union between Schleswig and Holstein; an arrangement to which no Danish Government could be brought to agree, even if it could be urged to do so."

I request you, Sir, to express to Lord Russell our hope that he will continue to afford us his powerful support with Powers which, until now, had not perhaps judged with the same clearness as English diplomacy has, how far the pretensions of Germany would reach, and at what point all possibility of concession on the part of the Danish Cabinet would cease.

I have, &c.
(Signed) C. HALL.

No. 282.

Earl Russell to Mr. Paget.

Sir, *Foreign Office, October* 11, 1862.

I HAD yesterday a long conversation with M. Bille.

He began by informing me that he had been desired by M. Hall to come immediately to London, in consequence of a report sent by Captain Falbe of a despatch which I was about to send to the Great Courts recommending an abrogation of the Danish Constitution of 1855.

M. Bille proceeded to say that this report had caused great alarm in the Danish Government; that they had hitherto reason to believe Her Majesty's Government favourable to the rights of Denmark. The Danish Government, upon the advice of the British Government and other allies of Denmark, had complied with the requisitions of Germany in regard to Holstein and Lauenburg. Their only stronghold, at present, was the Constitution which bound together Denmark and Schleswig; this gone, the Danish Monarchy would fall to pieces. He gave me a copy of a despatch from M. Hall to this effect.*

I replied, that he would recollect the advice I had given, in behalf of Her Majesty's Government, to the Danish Government to remedy all the practical grievances of Schleswig, and thus to present an unassailable front to Germany.

This advice had not been taken.

I had afterwards suggested the adoption of some one of several plans, emanating from Holstein through Hanover, for a common Constitution.

This suggestion was also rejected by M. Hall.

It was then that Her Majesty's Government had devised a plan which, by securing on the one hand self-government to Schleswig, and on the other an adequate normal Budget to the Danish Monarchy, seemed to Her Majesty's Government to provide at once for the redress of the complaints of the German inhabitants of Schleswig and for the supplies necessary to maintain the independence and the dignity of the Danish Monarchy.

I was convinced, I told M. Bille, that, when my despatch was communicated to M. Hall, his apprehensions would be diminished; and I even trusted, the plan of Her Majesty's Government, conceived in a spirit of equity and fairness, would be found to afford a reasonable basis for a definitive arrangement.

M. Bille, however, continued to affirm that Denmark had taken no engagements to Germany, or to Austria and Prussia, in regard to Schleswig, and that the King of Denmark was free to do exactly as he pleased in respect to that portion of the Danish Monarchy. Adopting the language of M. Hall, he said that the adoption of any such plan as I had sketched out must lead either to absolutism or to anarchy; that absolutism was happily impossible, but the division of the Danish Monarchy into independent portions would lead to anarchy and dismemberment.

I could only refer M. Bille to my despatch.

I am, &c.
(Signed) RUSSELL.

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* No. 281.

No. 283.

Lord Napier to Earl Russell.—(Received October 13.)

My Lord, *St. Petersburgh, October* 6, 1862.

IN conformity with your Lordship's orders, I this forenoon imparted to Prince Gortchakoff your Lordship's despatch of the 24th September to Mr. Lowther, containing a projected basis of settlement between the Danish Government and the Duchies.

Prince Gortchakoff received your Lordship's communication with satisfaction, saying that he was already acquainted with the leading points of the proposed arrangement, which he believed would obtain the support of the Imperial Government, and that he desired to be made acquainted with the details, to which he would give his best attention. He added that he was happy to find himself on a ground where he could act in common with Her Majesty's Government. His Excellency then desired to be put in possession of the document referred to.

Although not distinctly instructed to do so, I made no difficulty in leaving your Lordship's despatch to Her Majesty's Representatives in the hands of the Vice-Chancellor, expressing my hope that your Lordship's overtures would meet with his assent, and assuring him that any suggestions which he should think fit to make would have your Lordship's careful consideration.

The Prince then told me that his exertions in this matter had recently been directed to two points; first, in regard to the German Powers, to move them to define exactly the engagements which, in their opinion, the Government of Denmark had contracted towards Schleswig by the declaration of 1852; and secondly, in regard to Denmark, to induce the Cabinet of Copenhagen to reply to the German communications promptly and in a conciliatory spirit, so that no imputation might be speciously cast in the Diet on its sincerity and goodwill.

In elucidation of these views, the Prince permitted me to read an Instruction which he had addressed to Baron Nicolay, the Russian Envoy at Copenhagen, on the $\frac{16}{28}$th ultimo.

Now, said Prince Gortchakoff, I hope we may be enabled to go further and effect something of a positive, practical character.

I have, &c.
(Signed) NAPIER.

No. 284.

Mr. Fane to Earl Russell.—(Received October 13.)

My Lord, *Vienna, October* 9, 1862.

COUNT RECHBERG having been absent from Vienna during the early part of the week, I was received on calling at the Imperial Foreign Office by Baron Meysenbug.

I was glad to avail myself of the opportunity of holding some conversation with his Excellency, on the subject of your Lordship's despatch to me of the 24th ultimo, in relation to the questions at issue between Denmark and the German Confederation.

I had not your Lordship's despatch with me at the time, but it had been my duty to study it maturely, and I was glad to find that Baron Meysenbug had thoroughly acquainted himself with its details. The conversation which passed between us has left a very satisfactory impression on my mind, as there was no single point on which, after some discussion, his Excellency did not appear to me to agree in the main with the ideas embodied in your Lordship's despatch.

I elicited from him a very decided opinion in favour of the plan suggested by your Lordship for the future government of the Duchy of Schleswig, and a not less decided expression of concurrence with the proposal that for the future a normal Budget should be voted for the entire Monarchy, leaving extraordinary expenses to be voted separately by the Kingdom and the three Duchies.

I was not surprised to learn from Baron Meysenbug that the Imperial Government, before giving any formal expression of opinion on the project embodied in your Lordship's despatch, would first communicate with the Prussian Government. I said that I had fully expected that this would be the case, and that my principal desire, now that I had heard what I considered a very favourable opinion of the projet from his Excellency, was that the Imperial Government in communicating on this subject with the Government of Prussia should use its best endeavours to cause the project to be favourably received at Berlin.

His Excellency assured me that this would be the case, and I think that I am justified in concluding from his language that the Imperial Government sincerely desire to find in the proposals of Her Majesty's Government a key to the solution of a question which has

been so long and so bitterly discussed. I have, however, little doubt that the course which they will pursue in this matter will depend in a great measure on that adopted at Berlin.

I have, &c.

(Signed) JULIAN FANE.

No. 285.

Lord A. Loftus to Earl Russell.—(*Received October* 13.)

My Lord, *Berlin, October* 11, 1862.

AT an interview with Count Bernstorff on the 9th instant I referred to the despatch which your Lordship had addressed to Mr. Lowther of the 24th ultimo, of which a copy had been placed in his hands, suggesting certain bases for an arrangement of the differences between Germany and Denmark on the question of the Danish Duchies, and I expressed a hope that the very clear, able, and impartial views submitted in that despatch would meet with the approval of the Prussian Government.

Count Bernstorff said that your Lordship's despatch had given him much satisfaction, and that it contained some valuable matter. There were one or two points on which some elucidation would be necessary, but they were matters rather of detail than of principle. He referred especially to the formation of the Council of State for the distribution of the funds voted by the several States of the Monarchy. On the whole, his Excellency expressed himself favourably on your Lordship's suggestions; but he said that, being on the eve of giving up the direction of his Ministry, he was unwilling to give any decided opinion on their practicability, and as he would shortly be in London he would wait till he had the opportunity of communicating with your Lordship verbally on this question.

His Excellency further observed, that of course the Prussian Government could take no steps, and express no opinion on your Lordship's suggestions, without having previously consulted with the Cabinet of Vienna; and he said that it would be also necessary to submit the proposals to the approval of the Germanic Confederation.

I observed to his Excellency that in your Lordship's despatch there was a point of very great importance which could not fail of being duly appreciated by the Prussian Government; I referred to the proposed elimination of Schleswig from the Constitution of 1855, and the complete autonomy conferred thereby on that Duchy. I thought this point of such importance that all minor considerations should give way, and that Germany should unhesitatingly accept the suggestions contained in your Lordship's despatch.

With reference to an expression of Count Rechberg, mentioned by Count Bernstorff, against a foreign mediation in this question, I observed to Count Bernstorff that there was no question of a mediation, nor did your Lordship's suggestions in any way bear that character. Count Bernstorff admitted this, and inquired whether your Lordship's despatch to Mr. Lowther had been communicated at Copenhagen.

I replied that I was uninformed on this point, but that it was of very great importance, for a successful issue to your Lordship's present endeavours to bring these differences to a final and satisfactory arrangement, that the responsibility of their rejection should not rest with Germany, and I therefore trusted that your Lordship's suggestions would meet with a favourable reply from the Prussian Government.

Count Bernstorff appeared to entertain some doubts as to whether the present moment was propitious for the step your Lordship had taken, and he seemed to consider that it would have been better to await the final issue of the negotiations now carrying on between Germany and Denmark.

I observed to his Excellency that it must be clear to every one that the present direct negotiations between Germany and Denmark could lead to no positive result, unless it were to widen the breach between the dissentient parties, and to embitter their relations. It was, therefore, advisable before the honour of either party was at stake to endeavour to lay down a basis on which the two parties might agree.

I also reminded his Excellency that if the non-German Powers were agreed as to a basis which would, in their opinion, reconcile these differences, and satisfy the honour and the exigencies of both parties, the hands of the Danish Ministry would be greatly strengthened, and they could more easily make the concessions required if those concessions were adopted on the advice of the European Powers, and did not bear the character of concessions demanded by Germany.

I further remarked that if Germany accepted the suggestions contained in your Lordship's despatch, and without delay, the initiative of them might be left to the Cabinet of Copenhagen, and might form the answer of that Cabinet to the last communications addressed by the two German Powers to the Danish Government. At all events, I

considered it of great importance that the German Powers should accept your Lordship's suggestions, and that they should do so with the least delay possible. They offered, in my opinion, the only chance, and perhaps the last chance, of an amicable adjustment of this long-pending and complicated question.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 286.

Lord Napier to Earl Russell.—(*Received October* 17.)

(Extract.) *St. Petersburgh, October* 11, 1862.

PRINCE GORTCHAKOFF called me this forenoon to the Foreign Department, and read me two despatches to Baron Nicolay, on the affairs of Denmark and the Duchies.

The first of these instructions was prepared some days ago, before your Lordship's last overtures had been imparted to the Vice-Chancellor. It bears, however, the date of the $\frac{29\text{th September}}{11\text{th October}}$, and will be forwarded to-day. It contains general counsels enforcing the necessity of meeting the overtures of the German Governments in a prompt and conciliatory spirit; and particularly states that the support and good offices of Russia can only be effectually given when the Danish Government shall have fulfilled its engagements to the Cabinets of Prussia and Austria in reference to Schleswig.

The other despatch, of a more confidential character and of the same date, was written after the receipt of the settlement projected by Her Majesty's Government. In this document, Prince Gortchakoff reminds the Cabinet of Denmark of the strong claims which Her Majesty's Government possesses on their deference and attention by its good offices as mediator at an earlier period, and the active part which it had ever taken in the adjustment of these controversies. He advises the Government of Denmark to give up the Constitution of 1855, which offers the chief obstacle to the acceptance of an arrangement such as that proposed by your Lordship, and reminds the Danish Minister that in a despatch to M. de Plessen, the Danish Envoy here, dated the 24th May, 1861, he had stated that the resolutions of the Government of Denmark in these matters would ever be subject to the common advice of the friendly Powers. The present occasion was a fitting one for carrying these declarations into effect.

Without entering into details or giving a categoric assent to the several articles of your Lordship's proposals, the opinion of Prince Gortchakoff is decidedly favourable to your Lordship's views.

No. 287.

Lord A. Loftus to Earl Russell.—(*Received October* 17.)

My Lord *Berlin, October* 15, 1862.

THE Marquis de Cadore, French Chargé d'Affaires at this Court, has received a despatch from M. Thouvenel, transmitting a copy of your Lordship's despatch (addressed to Mr. Lowther) of the 24th ultimo, suggesting the basis of an arrangement of the differences between Germany and Denmark, and acquainting him that the French Minister at Copenhagen has been instructed to support your Lordship's suggestions and to recommend them to the serious consideration of the Danish Cabinet.

From the terms of M. Thouvenel's despatch it would seem that he had not expressed any opinion to the French Minister at Copenhagen on the merits of your Lordship's overtures, but that he was merely instructed to support them, leaving their appreciation to the free judgment of the Danish Cabinet.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 288.

Mr. Paget to Earl Russell.—(*Received October* 20.)

My Lord, *Copenhagen, October* 14, 1862.

I COMMUNICATED to M. Hall this day your Lordship's despatch of the 24th of September. His Excellency, as your Lordship knows, was already acquainted with its main points; and your Lordship is also aware, through the Danish Minister in London, of the view which the Danish Government take of your Lordship's proposals. Your Lordship will, therefore, be more or less prepared for the account which it is now my

duty to give you of the interview which took place between M. Hall and myself. I may mention, however, at the outset that M. Hall expressed to me his intention of stating his objections to the plan proposed in a despatch to M. de Bille to be communicated to your Lordship.

M. Hall was visibly agitated while I was reading the despatch, and when I gave him a copy of it, he said that he had never expected to receive such a document at the hands of Her Majesty's Government. Coming at the present moment, he considered it, he said, as the most disastrous blow that could be inflicted on the cause of Denmark, and as leading most surely, if acted upon, to absolutism or to the dismemberment of the Danish Monarchy. There could, however, be no question for himself and his colleagues of entering into these views; others might perhaps, be found to do so, but he dreaded to think what the consequences of such a policy would be for the country. He thought, moreover, he had some right to complain that whereas this despatch had been communicated more than a fortnight ago to Berlin and Vienna, it was only now communicated to the Danish Government. He had always, he said, looked to England as the surest support of Denmark. No one had upheld more strongly than your Lordship that Germany had no rights over those parts of the Monarchy not appertaining to the German Confederation; and it was certainly, therefore, not from your Lordship that he expected a project to emanate which suggested the abolition of the common Constitution, and embodied the views of Prussia with respect to Schleswig. He regretted, he said, that the King was absent from the capital, as it would be necessary for the Cabinet to take some decision. He added that he was unable to comprehend the change which had taken place in your Lordship's manner of viewing the question, and his Excellency then proceeded to discuss your Lordship's proposals in the order in which they come in the despatch.

With regard to the first, he said that, although he might continue to dispute the justice of the demands of Germany with respect to Holstein and Lauenburg, nevertheless, in order to put an end to all further controversy, and in view of the actual position of affairs, the Government had come to the decision that it would be better to concede them. As far as Holstein and Lauenburg were concerned, therefore, the Danish Government was prepared to comply with the demands of the German Confederation. I understand his Excellency to mean by this that no laws will have effect in Holstein and Lauenburg which have not previously received the sanction of their Representative Bodies.

With respect to the second point, the autonomy of Schleswig, the Danish Government, M. Hall said, was far from considering the present constitution of that Duchy as perfect, and it had always been their desire to amend it. They would be willing, therefore, to recognize the principle of self-government for Schleswig in the provincial affairs of the Duchy, but they could never consent to Schleswig not being represented in the Rigsraad.

M. Hall's objections to the third proposal were equally applied to the fourth. He said that it would be totally impossible to get the four Assemblies to agree upon the amount of the normal Budget or upon that of the supplementary votes. He concluded by saying that the objections of Count Bernstorff to the composition of the Council of State were evidently only put forward to conceal his joy at the whole arrangement.

In my reply to M. Hall, I stated, in the first place, that I believed to the period of my return to Copenhagen must be attributed the delay in making the Danish Government sooner acquainted with your Lordship's views, but I was quite certain that it arose from no want of friendly feeling towards Denmark. I said that, considering the policy recently followed by the Danish Government, I had been prepared to find that his Excellency would object to some of the points suggested by your Lordship; but I must confess that I thought the view he had taken of them as a whole was a very exeggerated one. In what way they tended either to absolutism or to the dismemberment of the Monarchy I was, I said, quite unable to comprehend. So far from their leading towards the former, it appeared to me that they would rather develop than diminish Constitutional principles; and to meet the objection of the dismemberment of the Monarchy, I pointed to the establishment of the Council of State (composed in a manner eminently favourable to Denmark), as uniting all the different parts of the Monarchy in one body. I said that no change whatever had taken place in your Lordship's sentiments towards Denmark. That you desired now that which you had always desired—a solution of the question. That you had never bound yourself to any particular plan or system of arrangement. That you had seen with regret that the line hitherto followed was leading to no good result, and that you had, therefore, determined on drawing up what appeared to you a fair and equitable arrangement for all parties. That there was not a word in your despatch which indicated that your views respecting the position of Schleswig towards Germany had changed, or that you had adopted those of Prussia. With regard to the difficulty of obtaining the consent of the four Assemblies to any supplementary votes that might be required, I pointed out that, as each

Assembly would only have to vote for that part of the Monarchy which it represented, without its decision affecting in any way the votes of the other Assemblies, the objection did not hold good.

M. Hall said that governing with four Assemblies would be an impossibility; that they would not even agree respecting a Normal Budget. If the Normal Budget was to be, as now, merely a nominal one, recourse must be had to supplementary votes; if one sufficient to cover the expenses of the State it would be the adoption of absolute government, the chief prerogative of a Representative Assembly being that of voting the supplies.

I saw it was useless to endeavour any further to bring M. Hall into your Lordship's views. Your Lordship will bear in mind that M. Hall and his Government are deeply pledged to a policy of separation from the German Duchies, entailing thereby a closer union between Schleswig and the Kingdom, and that they cannot adopt any other system without placing themselves in contradiction with the views which they have advocated both at home and abroad, and a desertion of that party in this country which has kept them in power. I am, therefore, not surprised at the perplexity which the communication of your Lordship's despatch has caused to the Cabinet, or at the manner in which M. Hall expresses himself respecting it.

What may be the decision of the Cabinet as to the course now to be adopted; whether, as M. Hall appeared to hint, they will tender their resignation to the King, or whether his Excellency, in the despatch which he proposes to address to M. Bille, will make a further attempt to secure your Lordship's support to the measures upon which he syas the Government have decided, I am not in a position to say; but of this I think I may speak with certainty, that if the Danish Government is now prepared, as M. Hall announced to me, to agree to the demands of Germany respecting Holstein and Lauenburg, and to grant the power of self-government to Schleswig in its provincial affairs, they are concessions entirely attributable to your Lordship's intercession, and which, I think, ought to have considerable value in the arrangement of the questions in dispute.

I have, &c.
(Signed) A. PAGET.

No. 289.

Mr. Paget to Earl Russell.—(*Received October* 20.)

My Lord, *Copenhagen, October* 14, 1862.

MY Russian colleague has had the goodness to read to me two despatches which he has just received from Prince Gortchakoff, respecting the affairs between this country and Germany.

The first of these despatches is a reply to one addressed by Baron Nicolay to the Prince, and has for object to urge the Danish Government to fulfil all the engagements entered into with Germany at the conclusion of the Peace, whether by Treaty or otherwise; and stating that it is only on this condition that they can expect the support of the Russian Cabinet. The engagements particularly alluded to are those concerning Schleswig. Baron Nicolay is directed to read to, and leave a copy of this despatch with, M. Hall.

The second despatch is in reference to your Lordship's despatch to me of the 24th ultimo, which had been communicated to Prince Gortchakoff by Her Majesty's Ambassador at St. Petersburgh.

Prince Gortchakoff is of opinion that your Lordship's plan offers a fair basis for negotiation; that the principal obstacle once removed, namely, the Constitution of 1855, there will be no difficulty in coming to an understanding. And his Excellency observes, that from the interest which England has always shown in the question, and from the fact that it was under her auspices that the arrangements at the Peace were concluded, the counsels coming from her are the more worthy of attention.

Baron Nicolay is not instructed to leave a copy of this despatch with M. Hall; but he is to conform his language to it in his conversations with the Danish Minister for Foreign Affairs.

M. Dotézac has also received a copy of your Lordship's despatch, and he is desired to inform M. Hall that the Government of the Emperor trust that the Danish Government will give every consideration to a proposal emanating from such a quarter.

I have, &c.
(Signed) A. PAGET.

No. 290.

Mr. Fane to Earl Russell.—(*Received October* 20.)

(Extract.) *Vienna, October* 16, 1862.

I CALLED upon Count Rechberg on Tuesday last, and, in the course of conversation, I said that I should be glad to learn his Excellency's opinion of the plan for the settlement of the question of the Danish Duchies embodied in your Lordship's despatch to me of the 24th ultimo.

His Excellency admitted, in the way of general criticism, that many of your Lordship's proposals possessed great practical value. He admitted that the scheme for the future government of the Duchy of Schleswig was satisfactory, and he agreed that the proposal for a normal Budget, as explained by your Lordship, was acceptable; although he added that the same idea had already been suggested in the discussion of this question, without leading to any satisfactory conclusion.

His Excellency further assented to an observation of mine, that the manner in which your Lordship dealt with the question of the Constitution, by seeking to give to each portion "its due independent movement, without clogging the wheels of the whole machine," was of a character to command the sympathy of the Imperial Government, who were engaged in endeavouring to apply the same principle in the internal government of the Empire.

I could not consider that these admissions on the part of Count Rechberg amounted to anything but a favourable opinion of your Lordship's plan, in some of its main features; and I next endeavoured to ascertain if there were any points in it which his Excellency disapproved.

There were only two points upon which I succeeded in drawing from him anything resembling a critical opinion. The first related to the proposed constitution—two-thirds of Danes and one-third of Germans—of the Council of State, to which the distribution of the normal Budget should be confided, and which, in his Excellency's opinion, gave undue preponderance to the Danish element; but, in the course of discussion, Count Rechberg remarked, that this was a question of detail, which might be accounted very capable of solution by mutual agreement.

The second point on which his Excellency commented in a critical spirit, but in language which was remarkable for its extreme caution, related to the objection which might be taken to the discussion by foreign Powers of a question belonging properly to the German Confederation. I said that his Excellency's remarks referred, I presumed, exclusively to the Duchy of Holstein; to which Count Rechberg replied, that the relations subsisting between the Duchies of Schleswig and Holstein were of a character which would render it difficult to discuss the affairs of the one without trespassing on those of the other. I said that your Lordship's plan drew a very careful distinction between the two questions, by treating the affairs of Schleswig without treating the affairs of Holstein and Lauenburg, to which it proposed to give all that the German Confederation asked for them. Count Rechberg replied, that he had merely made his observation as containing a criticism which might possibly be urged in the consideration of this question: and the discussion then dropped.

The conversation with Count Rechberg which I have reported, confirms my impression that the Austrian Government are inclined to view favourably your Lordship's plan; but that they will carefully guard against committing themselves to an opinion upon it, until they learn what attitude will be assumed towards it by the Cabinet of Berlin.

No. 291.

Mr. Paget to Earl Russell.—(*Received October* 27.)

My Lord, *Copenhagen, October* 23, 1862.

I HAVE this day had a further conversation with M. Hall relative to the proposals contained in your Lordship's despatch of the 24th September.

After what passed at our last interview little good, indeed, was to be anticipated from a renewal of my representations, but I thought it, nevertheless, my duty to endeavour to induce his Excellency to adopt, if not all the details, at least the substance of your Lordship's project.

M. Hall, in answer to the observations which I addressed to him in this sense, stated that there were two essential conditions in your Lordship's plan of arrangement with which

it was quite impossible to comply; the first was the abrogation of the common Constitution of 1855, the other the granting of full legislative powers to the four different Assemblies of the Monarchy.

On these points his Excellency made use of very much the same arguments as on the previous occasion, and it is, therefore, unnecessary that I should again repeat them, the more particularly as your Lordship will probably, by this time, be in possession of a copy of his Excellency's reply addressed to M. Bille. I threw out some suggestions as to possible modifications in the details of the plan, but I regret to say that I was unable to shake his Excellency's opposition to it.

I have, &c.
(Signed) A. PAGET.

No. 292.

Mr. Howard to Earl Russell.—(Received October 27.)

My Lord, *Hanover, October 25, 1862.*

COUNT PLATEN has learnt from his various correspondents the proposals which your Lordship has lately made to the Danish Government for the settlement of the Schleswig-Holstein question, the manner in which they have been received by the Governments of the Great Powers, and their rejection by the Danish Government.

His Excellency took occasion, at an interview which I had with him yesterday, to observe that he must do your Lordship the justice to say that you appeared to be the only foreign Statesman who takes a real interest in bringing that long-pending question to a settlement.

He considered that your Lordship's proposals formed a fair basis for negotiation, and he had reason to believe that, although they might meet with some opposition in Holstein, they could eventually be carried in the Holstein States.

Their rejection by Denmark was to be foreseen, for it was not likely that the Danish Government would give up anything except under pressure. He, therefore, hoped that, considering that according to his information your Lordship's proposals had been well received by Austria and Prussia, had been highly approved of by Russia, and would not be opposed by France, your Lordship would not allow them to drop. On the other hand, nothing could be more to be deprecated than that the Danish Government should carry out the intention attributed to them, of separating the Duchy of Holstein from the rest of the Monarchy, and of imposing upon it ("octroyer") a Budget for the common affairs, because such a course would again call forth the intervention of Germany and a Federal Execution, which latter measure had hitherto been averted.

I have, &c.
(Signed) HENRY F. HOWARD.

No. 293.

Mr. Fane to Earl Russell.—(Received October 27.)

My Lord, *Vienna, October 23, 1862.*

COUNT RECHBERG was good enough to read to me, on Tuesday last, a brief despatch, dated the 18th instant, which he had just received from the Austrian Minister at Copenhagen, stating that there were good grounds for believing that M. Hall had expressed the willingness of the Danish Government to give to the Duchies of Holstein and Lauenburg all that the Confederation asked for them, and to grant autonomy to the Duchy of Schleswig.

Count Rechberg expressed his pleasure at this intelligence, which implied that the Danish Government were prepared to adopt two most important features of your Lordship's project. His Excellency, in reply to an inquiry of mine, said that he had received as yet no further communication from the Prussian Government in regard to that project.

I have, &c.
(Signed) JULIAN FANE.

P.S.—Since writing the foregoing I have learnt from Count Rechberg that M. de Balabine has communicated to him a despatch addressed by Prince Gortchakoff to the Russian Minister at Copenhagen, in which the Danish Government is strongly urged to seek in your Lordship's project, which is characterized as impartial and equitable, the means of solving the long-vexed question of the Danish Duchies.

J. F.

No. 294.

M. Hall to M. Bille.—(*Communicated to Earl Russell by M. Bille, October* 28.)

Monsieur, *Copenhague, le* 15 *Octobre,* 1862.

JE crois devoir à l'intérêt que Lord Russell a toujours porté au Danemark de répondre sans délai à la dépêche ci-jointe en copie,* que Mr. Paget m'a communiquée hier et qui a dû nous causer d'autant plus de surprise et de regret que Lord Russell avait, jusqu'à présent, exprimé des vues bien différentes de celles vers lesquelles il semble incliner aujourd'hui.

Le Ministre commence dans sa dépêche par écarter la question de la position du Holstein dans la monarchie, comme ne faisant plus objet d'une discussion. A nous aussi cette question paraît épuisée, en ce sens, que la solution définitive ne dépend plus que du réglement de quelques points dont la nécessité ne saurait être méconnue.

Vis-à-vis de la demande de la Diète Germanique notre attitude est nette et bien déterminée. Nous avons prouvé que la faculté que la Diète exige pour les Etats Holsteinois de voter le Budget commun et les lois communes, en tant qu'ils regardent le Duché, est aussi contraire au droit public que la demande en est insoutenable au point de vue de la compétence de la Diète. Néanmoins, nous avons déclaré que nous serions prêts à y accéder, quelques dangers pour l'intégrité de la Monarchie que cela puisse entraîner, si cette position éventuelle du Holstein pourrait être précisée de telle sorte que le reste de la Monarchie ne fût pas réduit à une dépendance continuelle de l'Allemagne, et si, par ce sacrifice, nos rapports avec la Confédération pouvaient être rétablis sur une base durable.

C'est pour bien fixer ces points que nous sommes entrés dans les négociations actuelles avec la Prusse et l'Autriche, et l'opinion que Lord Russell émet sur la nécessité de la dite concession de notre part est accompagnée, j'en suis convaincu, d'une entière approbations des deux conditions que je viens d'indiquer.

Pour ce qui est des affaires intérieures du Slesvig, nous aurions pu espérer que notre ligne de conduite n'était pas moins propre à nous assurer les sympathies du Gouvernement Anglais. Les intentions qu'à l'égard de ce Duché le Roi avait spontanément exprimées dans le temps, l'engagement d'honneur, pour me servir de l'expression employée par Lord Russell, que le Roi aurait pris, ont été immédiatement et consciencieusement remplies par lui. Même pour ce qui concerne le réglement sur l'usage des deux langues, qui, je le répète aujourd'hui, n'avait nullement été mentionné dans la correspondance de 1851, le Gouvernement a scrupuleusement gardé la même mesure, puisque les dispositions aujourd'hui en vigueur sont les mêmes qui, en 1851, ne provoquèrent aucune objection. Lorsque ensuite Lord Russell recommande l'extension des libertés accordées à la Diète Provinciale du Sleswig, le Roi a déjà, dans le discours de la Couronne de cette année, annoncé cette même intention. Toutefois, un tel développement ne pourrait être que l'œuvre de la libre volonté du Roi, et de même c'est Sa Majesté qui peut le mieux juger de l'opportunité d'une telle mesure. Le Gouvernement y procédera dès que la situation de la question Holsteinoise le permettra, et dans l'organisation nouvelle qu'il compte donner alors aux Etats Provinciaux du Slesvig, il suivra les mêmes principes libéraux qui le guident dans toute son administration, et principalement il les suivra dans la rédaction de la nouvelle loi électorale qui forme l'élément le plus indispensable de tout nouvel ordre de choses dans le Duché.

Lord Russell aborde enfin la question de la Constitution commune, en tant qu'elle regarde le Royaume et le Slesvig. Je n'ai, à cet égard, rien à ajouter à ce que vous avez déjà dit au Ministre, et vous prierez sa Seigneurie de voir, dans les explications que vous lui avez déjà présentées, l'expression définitive des vues du Gouvernement du Roi.

Je n'entrerai dans aucun détail pour prouver combien peu est fondée l'objection que la Constitution eût dû être soumise au vote des différentes représentations spéciales de la Monarchie. Je l'ai déjà suffisamment démontré, mais quelqu'ait été l'avis de la Diète de Frankfort à l'égard du droit des Etats Holsteinois, j'aime à croire que, pour ce qui concerne le Royaume et le Slesvig, Lord Russell, tout en émettant un avis, n'entend pas méconnaître le devoir impérieux qui défend au Roi de se soumettre aux arrêts de l'Allemagne pour l'appréciation de ce qu'il doit à ceux de ses Etats qui n'appartiennent pas à la Confédération. Aussi peu que la Constitution commune est entâchée d'aucun défaut formel, aussi peu il serait possible de la remplacer par l'organisation dont Lord Russell a voulu esquisser les traits principaux, sans que la Monarchie fût dissoute et sans que cette intégrité même que le Traité de Londres avait pour but de sauvegarder fut gravement compromise. Dans sa depêche, Lord Russell a fait ressortir lui-même, avec

* No. 274.

une parfaite justesse, tout ce qu'une telle organisation comporterait de dangers pour des Monarchies étendues et puissantes. A plus forte raison, il reconnaîtra sans peine, je le crois, que pour un Etat comme le Danemark cette organisation amènerait l'anarchie, et serait suivie de près du démembrement complet de la Monarchie. Le maintien de la Constitution commune, pour le Royaume et le Slesvig, est donc la question de vie et de mort pour le Danemark, et autant le Gouvernement est pénétré de cette certitude autant il est déterminé à ne point s'écarter de la ligne de conduite qui lui est tracée par cette conviction.

Je vous prie, Monsieur, de donner lecture de cette dépêche au Ministre et de lui en laisser copie. Je suis profondément convaincu que, même en formulant les conseils que Lord Russell vient de nous donner, il n'a pas cru se mettre en contradiction avec les sympathies qu'il a toujours témoignées envers le Danemark. Cet intérêt sincère et le souvenir des antécédents politiques de sa Seigneurie me donnent le ferme espoir qu'il trouvera dans nos franches explications des motifs suffisants pour ne plus s'arrêter à des propositions qu'il n'a pu mettre en avant, j'en suis certain, que parcequ'il ne lui est pas aussi évident que pour nous, que leur adoption préluderait à l'anéantissement de la vie constitutionnelle du Danemark et bientôt mettrait en question l'existence même de la Monarchie.

J'ai, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, October* 15, 1862.

I THINK it due to the interest which Lord Russell has always taken in Denmark to reply without delay to the despatch, inclosed herewith in copy,* which Mr. Paget communicated to me yesterday, and which has occasioned us the more surprise and regret, inasmuch as Lord Russell had hitherto expressed views very different from those towards which he now appears to incline.

The Minister in his despatch begins by putting aside the question of the position of Holstein in the Monarchy as being no longer a subject under discussion. To us, too, this question appears to be exhausted, in the sense that its final settlement only depends on the arrangement of some points the necessity of which cannot be ignored.

Our attitude in regard to the demand of the Germanic Diet is clear and well-defined. We have proved that the power which the Diet claims for the Holstein States of voting the common Budget and the common laws, in so far as they regard the Duchy, is as contrary to international law as the demand of it is indefensible in respect to the competency of the Diet. We have, nevertheless, declared that we should be ready to accede to it, whatever dangers to the integrity of the Monarchy it might involve, if the eventual position of Holstein could be defined in such a manner that the rest of the Monarchy would not be reduced to a constant dependence on Germany, and if by this sacrifice our relations with the Confederation could be re-established on a permanent basis.

It was to settle these points that we entered upon the present negotiations with Prussia and Austria, and the opinion which Lord Russell expresses on the necessity of this concession on our part is, I am convinced, accompanied by an entire approval of the two conditions which I have just pointed out.

With regard to the internal affairs of Schleswig, we might have hoped that our line of conduct was not less fitted to assure us the sympathies of the English Government. The intentions in respect to this Duchy which the King had on a former occasion spontaneously expressed, the engagement of honour, to use the term employed by Lord Russell, which the King had taken, were immediately and conscientiously fulfilled by him. Even in respect to the regulation as to the use of the two languages—which, I repeat it, never was mentioned in the correspondence of 1851—the Government has scrupulously maintained the same measure, for the arrangements now in force are the same which in 1851 did not provoke any objection. Lord Russell next recommends an extension of the liberties accorded to the Provincial Diet of Schleswig, but the King has already in the Speech from the throne of this year proclaimed the same intention. Such a development could not, however, take place otherwise than by the King's free will, and in like manner His Majesty is the best judge of the opportuneness of such a measure. The Government will act in this matter as soon as the state of the Holstein question permits it, and in the new organization it proposes then to give to the Provincial estates of Schleswig, it will follow the same liberal principles which guide it in the whole of its administration, and will especially do so in framing the new electoral law which, by universal consent is the most indispensable element of any new order of things in the Duchy.

* No. 274.

Lord Russell enters, finally, on the question of the common Constitution in so far as it concerns the Kingdom and Schleswig. I have nothing in this respect to add to what you have already said to the Minister, and you will beg his Lordship to look upon the explanations which you have already given him as the final expression of the views of the King's Government.

I will not enter into any detail to prove how unfounded is the objection that the Constitution ought to have been submitted to the vote of the different special representations of the Monarchy. I have already sufficiently demonstrated it; but, whatever may have been the opinion of the Diet of Frankfort in respect to the right of the Holstein States, I trust that, in what concerns the Kingdom and Schleswig, Lord Russell, while expressing an opinion, does not intend to ignore the imperious duty which forbids the King to submit to the decrees of Germany in estimating what he owes to those of his States which do not belong to the Confederation. The common Constitution is no more defaced by any formal defect than it is capable of being replaced by the organization of which Lord Russell has endeavoured to sketch the principal outlines, without the Monarchy being dissolved, and that very integrity which it was the object of the Treaty of London to maintain being seriously compromised. Lord Russell himself has, in his despatch, shown, with perfect justice, all the dangers that such an organization would entail on great and powerful Monarchies; with still more reason he will, I believe, readily admit that, for a State like Denmark, this organization would produce anarchy, and would shortly be followed by the entire dismemberment of the Monarchy. The maintenance of the common Constitution for the Kingdom and for Schleswig is, therefore, the question of life and death for Denmark; and as the Government is convinced of this, so is it resolved not to depart from the line of conduct prescribed to it by such a conviction.

I beg you, Sir, to read this despatch to the Minister, and to give him a copy of it. I am firmly convinced that, even in drawing up the advice which he has just given us, Lord Russell did not believe that he was acting in contradiction to the sympathies which he has always shown for Denmark. This sincere interest, and the political antecedents of his Lordship, afford me a firm hope that he will find in our frank explanations sufficient reasons for not adhering to propositions which I am sure he can only have put forward because it is less evident to him than to us that their adoption would be the prelude of the extinction of Constitutional life in Denmark, and which would soon jeopardize the very existence of the Monarchy.

I have, &c.
(Signed) C. HALL.

No. 295.

Count Wachtmeister to Earl Russell.—(*Received October* 29.)

10, *Stratton Street, Piccadilly, October* 23, 1862.

COUNT WACHTMEISTER presents his compliments to Lord Russell, and has the honour to inclose a copy of the despatch from Count Manderström which it was his intention to communicate to Lord Russell had his Lordship's time allowed him to grant him an interview.

Inclosure in No. 295.

Count Manderström to Count Wachtmeister.

M. le Comte, *Stockholm, le* 12 *Octobre*, 1862.

NOUS apprenons de plus d'une côté que Lord Russell s'est occupé dernièrement d'un projet d'organisation de la Monarchie Danoise, dans le but d'applanir le différend entre le Danemarc et l'Allemagne, et que les bases de ce projet ont été portées préalablement et d'une manière confidentielle à la connaissance des Cabinets de Berlin, de Paris, de St. Pétersbourg, et de Vienne, avant d'être communiquées à celui de Copenhague, sous la forme de conseils à donner à ce dernier, pour un réglement définitif et satisfaisant de la question en litige.

Le Gouvernement du Roi ne saurait être que reconnaissant de l'intérêt bienveillant que porte celui de Sa Majesté Britannique à cette affaire, et ne met point en doute un seul instant les vues élevées et impartiales qui auront infailliblement dicté les conseils que veut donner Lord Russell. Ceux-ci, cependant, ne nous étant connus que par un résumé fort

restreint, il nous est impossible de juger en combien ils pourront offrir au Gouvernement Danois cette utilité pratique qui seule pourra motiver leur adoption de sa part. Nous n'hésitons pas à dire que dans leur ensemble, tel qu'il nous a été représenté, nous nourrissons quelque appréhensions sur la possibilité de leur mise à exécution en Danemarc, de même que peut-être quant à leur adoption pleine et entière du côté de l'Allemagne. Nous pouvons nous tromper; mais nous craignons que l'édifice de la Monarchie entière du "Heelstat," comme disent les Danois, qu'on tâche de reconstruire ne pêche trop essentiellement par la base pour que les fondements puissent jamais devenir bien solides.

D'un autre côté, les nouvelles qui me parviennent de Copenhague m'affirment positivement que M. Hall qui depuis longtemps s'occupe d'un projet pour la réorganisation de la Monarchie Danoise, œuvre soumise à de grandes difficultés et qui a exigé une étude préparatoire prolongée, a déclaré que ce projet allait être incessamment achevé, et qu'il avait l'intention d'en faire part aussitôt aux Puissances amies et alliées de Danemarc, dans le but si désirable d'obtenir en sa faveur leur assentiment. Cette nouvelle organisation devra être fondée sur une séparation administrative complète du Duché de Holstein du reste de la Monarchie; elle devra donner pleine satisfaction à toutes les exigences de la Confédération Germanique en ce qui concerne ce Duché, et remplir en même temps tous les engagements pris à l'égard de celui de Slesvig.

Dans cet état de choses, il a paru au Gouvernment du Roi que si deux projets d'arrangement venaient aussi à se croiser ils pourraient facilement se traverser, et que le résultat attendu de l'un comme de l'autre pourrait en être compromis. Ce ne serait point là, évidemment, l'intention du Gouvernement de Sa Majesté Britannique, qui ne repose que sur le désir d'amener un arrangement propre à satisfaire les deux parties. Me fondant sur cette supposition, qui pour moi est incontestable, je crois devoir vous engager, M. le Comte, à fixer l'attention de son Excellence Lord Russell sur ce point, en lui soumettant de la part de votre Gouvernement ces idées sur l'opportunité de surseoir à la communicatiou officielle de ce projet jusqu'à ce que le Gouvernement Danois ait eu l'occasion de porter à la connaissance du Gouvernement de Sa Majesté Britannique, ainsi qu'à celles des autres Gouvernements alliés et amis, le projet que lui-même a élaboré. Il s'entend que ce dernier ne devrait pas tarder à être présenté, et que le délai proposé au Gouvernement Britannique ne pourrait être prolongé au-delà du terme de peu de semaines.

Vous êtes autorisé, M. le Comte, à faire lecture de la présente à M. le Comte Russell, et à en laisser une copie entre ses mains, si son Excellence en exprimait le désir.

Agréez, &c.

(Signé) MANDERSTRÖM.

(Translation.)

M. le Comte, *Stockholm, October* 12, 1862.

WE learn from more than one source that Lord Russell has been lately occupied by a project for the organization of the Danish Monarchy, with the object of settling the differences between Denmark and Germany, and that the bases of this project, in the form of counsels to be given to the Danish Government for a definitive and satisfactory arrangement of the question at issue, have been, in the first instance, confidentially laid before the Cabinets of Berlin, of Paris, of St. Petersburgh, and of Vienna, before being communicated to the Cabinet of Copenhagen.

The Government of the King cannot fail to be grateful for the kind interest taken in this matter by the Government of Her Britannic Majesty, and does not question for an instant the impartial and enlightened views, which, there can be no doubt, have dictated the counsels which Lord Russell wishes to impart. These counsels, however, being only known to us through a very meagre summary, it is impossible for us to determine how far they are likely to offer to the Danish Government that amount of practical utility which alone is likely to influence it in its adoption of them. We do not hesitate to say, that, viewed as a whole, and in the form in which they have come before us, we entertain considerable doubts as to the possibility of their practical adoption in Denmark, and also as to the likelihood of their entire acceptance by Germany. We may be mistaken, but we fear that the edifice of the entire Monarchy of the "Heelstat," as the Danes term it, which it is sought to reconstruct, fails too essentially in its base for the foundations ever to become very secure.

On the other hand, I have received positive information from Copenhagen, that M. Hall, who has long occupied himself with a project for the re-organization of the Danish Monarchy, a task attended with great difficulties, and which has demanded from him a long course of preparatory study, has declared that his project was on the point of completion, and that it was his intention to communicate it, when it was prepared, to the Powers friendly and allied to Denmark, with the object, which is so much to be desired, of obtaining their consent. This new project of organization is to be founded upon a complete

administrative separation of the Duchy of Holstein from the rest of the Monarchy. It is intended to give full satisfaction to all the desires of the Germanic Confederation, in so far as concerns this Duchy, and to fulfil, at the same time, all the engagements entered upon in regard to Schleswig.

In this state of things, the Government of the King is of opinion that if two projects for the arrangement of the question should in this manner be allowed to clash, they may easily thwart each other, and that the results hoped for from both of them may be compromised. This would be obviously contrary to the intention of Her Majesty's Government, which rests solely on a desire to bring about an arrangement likely to be satisfactory to both parties. Relying upon this supposition, which seems to me incontestable, I have to instruct you, M. le Comte, to call the attention of his Excellency Lord Russell to this point, and to submit to him, on the part of your Government, these views upon the expediency of delaying the official communication of his project until the Danish Government have had the opportunity of bringing to the knowledge of the Government of Her Britannic Majesty, as well as to that of the other friendly and allied Powers, the project which it has itself prepared. It is to be understood that this project will be presented at once, and that the delay to which it is proposed that the British Government should submit, will not be of more than a few weeks' duration.

You are authorized, M. le Comte, to read this despatch to Earl Russell, and to place a copy of it in his hands, if his Excellency should desire it.

Receive, &c.

(Signed) MANDERSTRÖM.

No. 296.

M. Bismark to Count Bernstorff.—(*Communicated to Earl Russell by Count Bernstorff, October* 30.)

(Translation.) *Berlin, October* 27, 1862.

YOUR Excellency is already cognizant of the despatch which the British Secretary of State in the Foreign Department wrote on the 24th ultimo to Mr. Lowther,* communicating his views as to the manner in which the long-pending dispute between Germany and Denmark might be terminated. A like communication was sent to Vienna, and Lord Russell has recommended his views, and the propositions grounded upon them, to the consideration of the two great German Powers. It is not necessary to assure you that this consideration will be fully given to them by us. It is true that this difference essentially relates to nothing more than the performance of requisitions settled by Treaty between Germany and Denmark. But we understand the desire of friendly Powers to see the settlement of a dispute which in its further developments might certainly lead to very serious results, as it is impossible, as your Excellency is aware, that Germany should yield up claims which are most intimately bound up with the whole of her political position. If, in the interests of peace, we hold it to be our duty seriously to examine every view offered to us upon the solution of this weighty question, a proposition from England especially has the fullest claim to our searching consideration.

I am rejoiced to be able at the outset to express the conviction that Earl Russell's despatch, particularly the four points in which the propositions are summed up at the close, contains the basis for coming to an understanding, provided that they be unreservedly accepted by the Danish Government, and then carried out also, in a suitable manner.

We do not, it is true, conceal from ourselves that the propositions of Lord Russell do not strictly turn upon the basis of the agreements of 1851 and 1852.

No one could make it a reproach to us if we should simply insist that Denmark also should absolutely not deviate from this basis, and that in case Denmark should declare herself unable to fulfil the obligations she has contracted, all existing obligations would then cease for us also, and from that moment the ancient right, for which an equivalent was offered, but not guaranteed, to us, might be the only basis of our demands and acts. But, however, we can gather in the propositions of Lord Russell also a means of securing the essential objects and interests which prevailed in the negotiations of 1851 and 1852; and it is in consideration of this, and in our sincere wish for the maintenance of peace, that we find the justification of our efforts to reach our object in a somewhat deviating way.

We must, first of all, thank the British Secretary of State for having simplified the question by discarding all those points upon which there remains no dispute. In this respect we fully concur with him, and we have always most deeply regretted that we were

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compelled to go back to circumstances which should have been clear of themselves; the acknowledgment contained in the despatch of the 24th September will dispense with our doing it for the future.

The first of these points referred to, which negatives the levy of taxes, or the enacting of laws in Holstein and Lauenburg, without the assent of the States, is in accordance with the conditions set up by the well-known Federal Resolutions for the immediate provisional situation, the discontinuance of which we have shown to be necessary, if Federal measures are to be averted. As the British Secretary of State declares that this is decided by the Federal Resolutions, he shows that he perfectly understands this part of the question to be a matter purely appertaining to the Confederation.

The second point, relative to the nullity of the collective Constitution of 1855, is also clearly conceived. This nullity is a condition of the exclusion of Schleswig from the Reichsrath, and it is expressly stated also in the second of the recapitulating paragraphs at the close of the despatch. It would be difficult for the Cabinet of Copenhagen to oppose these simple statements of facts, by any deductions, however ingenious.

And, lastly, the third of those points, which expresses the independence and freedom of the Kingdom of Denmark to impose taxes and to legislate in itself, is a matter of course, and is so understood by us. We have always been very far from claiming a right for the Duchies to interpose in the affairs of the kingdom.

After Earl Russell has thus put away those elements which have but too much contributed to obscure the whole affair, he proceeds to lay down his direct ("positiv") propositions in regard to the two great questions—upon the position of Schleswig, and upon the ordering of such relations in the different parts of the monarchy as imply, in some form, a common action.

In speaking of the first of these two points, we will not argue upon the designation of the obligations of Denmark as being that of a debt of honour; we certainly look upon the performance of Treaty obligations as being also a debt of honour.

Here again also Lord Russell brings forward clearly the two essential parts: the security of Schleswig against incorporation, and the protection of German nationality in the Duchies; and he believes that a suitable remedy for both is to be found in a complete autonomy of the Duchy, by which it would stand in no nearer a political relation to the Kingdom than to the other territories in the Monarchy, and would have to decide independently upon all the points regarding which Danish encroachments have to this time given occasion for such just and hitherto such fruitless complaints; complaints resting upon such notorious facts that a superintendence. such as we have neither exercised nor claimed, was not required to prove their reality.

We declare ourselves to be fully in accordance with the propositions of Lord Russell; but they will certainly not attain their object unless they be carried out with perfect sincerity on the part of His Majesty the King of Denmark; unless the system of Danish arbitrariness ("Vergewaltigung") which has hitherto prevailed in Schleswig be really terminated; and unless a guarantee be given for a perfectly free election and voting of the Assembly of States, which is to decide upon all the given points. This is a matter which is quite self-evident, and it will indeed appear so to the British Secretary of State; but frequent and sad experience unfortunately compels us again to mention it, and urgently to recommend it to the attention of the Earl Russell.

The despatch finally treats of what it designates, justly, the most difficult and complicated point of the whole affair; namely, the ordering of common financial matters.

In this point, also, I can but declare myself to be in accordance with the propositions as they are contained in the third and fourth summary paragraphs at the close of the despatch. The union with the States of the several territories of the Monarchy for a normal Budget, and free voting, by the same States, for extraordinary expenses going beyond it, corresponds, in our view, with the rights and interests of those territories, as also with the wants of the whole body; and it will, I should suppose, find no objection on the part of the Duchies themselves. If the Danish Government accepts without reserve these points, together with the two first mentioned, it will be possible to determine, also, by a further agreement, a suitable form for ordering the expenses appertaining to the common body. The plan intimated in Earl Russell's despatch of paying and distributing the normal Budget, with the co-operation of a Council of State, may offer, I am of opinion, the connecting point ("Anknüpfung") for such agreement, if in this the principle be strictly adhered to, that each of the territories be secured from an unjust preponderance of the rest.

In expressing, therefore, our assent to the four paragraphs in which the British Secretary of State sums up his propositions, I need hardly add the observation that we can speak at present in our individual name only. We have now no express mandate

from the Confederation, and can neither prejudge its views nor dispose of its rights. But it is likewise a matter of course that if Lord Russell's propositions be accepted by the Danish Government, we shall also represent our view to the Confederation, and exert ourselves to obtain thereto the consent of our Federal colleagues. Should this endeavour to come to an understanding be frustrated by the failure of a corresponding move on the part of the Danish Government, the Agreements of 1851 and 1852, and the rights and claims of Germany, naturally remain in full force.

I request your Excellency to express yourself in this sense to the British Secretary of State, and, at the same time, I authorize you to give him a copy of this despatch.

Accept, &c.

(Signed) V. BISMARK.

No. 297.

Count Rechberg to Count Wimpffen.—(*Communicated to Earl Russell by Count Wimpffen, November* 1.)

(Traduction.)

M. le Comte, *Vienne, le 29 Octobre,* 1862.

MR. JULIAN FANE m'a communiqué la dépêche ci-jointe en copie,* que le Principal Secrétaire d'Etat pour les Affaires Etrangères lui a adressée par ordre de Sa Majesté la Reine, afin de rendre plus facile d'arriver à un arrangement final du différend qui subsiste entre l'Allemagne et le Danemark.

Ainsi que vous le verrez par cette pièce, Lord Russell, comme introduction à ses propositions, désigne d'abord les points dans lesquels, selon sa conviction, les discussions qui ont eu lieu jusqu'ici ont livré un résultat incontestable. Il considère comme parfaitement établi :—

1. Que dans le Holstein et le Lauenbourg aucune loi ne peut être décrétée et aucun impôt levé sans le consentement des Etats de ces Duchés.

2. Que la Constitution générale du Royaume du 2 Octobre, 1855, déjà formellement suspendue pour le Holstein et le Lauenbourg, doit nécessairement être et rester sans effet aussi pour le Slesvig.

3. Que le Royaume de Danemark, proprement dit, a le droit de se donner des lois et de se décréter des impôts indépendamment de l'assentiment des Duchés.

Prenant ces articles comme point de départ, Lord Russell a tracé ensuite les lignes fondamentales d'un plan d'après lequel la question de la position du Slesvig, aussi bien que le problème compliqué de l'établissement d'une Constitution commune pour toute la Monarchie Danoise, doivent être résolus à la satisfaction des deux parties.

Ces lignes fondamentales sont résumées par le Principal Secrétaire d'Etat dans les quatre points suivants :—

1. Les Duchés de Holstein et de Lauenbourg doivent obtenir tout ce que la Confédération Germanique a demandé pour eux.

2. Le Slesvig doit avoir le droit de jouir de son autonomie et il ne doit pas être représenté dans le Conseil du Royaume (" Reichsrath ").

3. Un budget normal doit de dix en dix ans être voté par les quatre corps Représentatifs du Danemark, du Holstein, du Lauenbourg, et du Slesvig.

4. Les dépenses communes extraordinaires doivent être approuvées également par la Diète Danoise (" Reichstag ") et par les Etats des trois Duchés.

Après avoir examiné attentivement cette importante communication, et après nous être concertés avec la Cour de Prusse, à laquelle le Cabinet de Londres a fait parvenir les mêmes ouvertures, je réponds par les observations suivantes au désir de Lord Russell de connaître nos vues sur son plan d'arrangement.

Après une longue et infructueuse discussion entre les Puissances Allemandes et le Cabinet de Copenhague, le Gouvernement Impérial a acquis la conviction que pour trouver la clef d'une solution finale des complications subsistant jusqu'à ce jour, il faut maintenant avant tout persuader le Danemark de l'impossibilité de conserver comme un lien unissant entr'elles les autres parties seulement de la Monarchie la Constitution Générale du 2 Octobre, 1855, qui a été établie contrairement aux Conventions de 1851 et 1852, et qui a déjà été abolie pour le Holstein et le Lauenbourg. Ceci formait le point principal de notre Mémorandum du mois d'Août.

Nous éprouvons donc une satisfaction particulière en voyant la Grande Bretagne partager ce point de vue, et en en prenant acte je n'hésite pas à exprimer la conviction que le Gouvernement Britannique aura le mérite d'avoir contribué fortement à l'apaisement

* No. 274.

d'un différend menaçant pour le repos de l'Europe, s'il amène le Gouvernement Danois, qui a tant de motifs de tenir compte des conseils de l'Angleterre, à renoncer définitivement aussi pour le Slesvig à la Constitution de 1855.

Il n'est pas moins satisfaisant pour nous que Lord Russell reconnaisse entièrement le droit de la Confédération Germanique de trancher en dernier ressort par ses décisions les questions concernant le Holstein et le Lauenbourg qui sont pendantes à Francfort.

Nous sommes, de notre côté, loin de contester que le Royaume de Danemark proprement dit ne puisse user de ses droits particuliers en matière de législation et d'impôts sans être lié au consentiment des Corps Représentatifs des Duchés.

Nous nous félicitons donc nous trouver entièrement d'accord avec le Gouvernement Britannique quant aux points qu'il admet comme placés hors de toute discussion ultérieure. Nous nous empressons d'ajouter que pour notre part nous sommes également disposés à voir dans les propositions positives qui forment la seconde partie de la dépêche de Lord Russell une base convenable et équitable pour la solution définitive du différend Dano-Germanique.

Pour couvrir la responsabilité du Gouvernement Impérial, je dois cependant observer que dans cette affaire l'intercession d'une Puissance tierce droit trouver ses limites dans le droit de la Confédération Germanique reconnu par Lord Russell lui-même en tant qu'il est question d'une affaire intérieure de l'Allemagne, d'agir conformément aux lois de la Confédération, indépendamment de toute immixtion étrangère.

Je dois de plus rappeler que les Cabinets de Vienne et de Berlin n'ont pas de mandat précis pour négocier au nom de la Confédération Germanique, et qu'ils ne sont donc pas à même d'accepter un changement quelconque à l'état légal de la question sans l'assentiment de la Confédération.

Les quatre points posés par Lord Russell comme base d'un arrangement ne concordent pas entièrement avec les stipulations de 1851 et 1852, desquelles la Confédération fait dériver ses demandes, et il n'appartient pas aux Gouvernements d'Autriche et de Prusse d'accepter, en vertu de leur propre décision, au lieu de l'exécution exacte de ces stipulations, une proposition qui n'est pas parfaitement identique à ces stipulations.

Les deux Gouvernements doivent se borner à exprimer leur opinion individuelle sur la question de savoir s'ils jugent cette base, ainsi modifiée, admissible pour la Confédération, et s'ils peuvent plaider en sa faveur auprès de leurs confédérés Allemandes. Cela posé je n'hésite pas à déclarer que d'après le sentiment du Cabinet Impérial les droits et les intérêts qu'il a le devoir de défendre dans l'affaire en question pourraient être sauvegardés par la mise à exécution franche et complète des quatre points posés par le Cabinet de Londres tout aussi efficacement que par l'execution des stipulations de 1851 et 1852. Le Gouvernement Impérial dans son amour de la paix ne peut sûrement qu'accompagner de ses meilleurs vœux une proposition d'accommodement sur laquelle il porte ce jugement, et qui a pour elle l'autorité de l'Angleterre. Dans l'intérêt du succès désiré, le Gouvernement Impérial croit d'ailleurs ne pas pouvoir assez recommander que le même esprit d'équité envers les différentes parties de la Monarchie Danoise qui se montre incontestablement dans les quatre points susmentionnés, préside aussi au traitement des questions qui demanderont à être réglées, soit en dehors de ces quatre points sommaires, soit pour assurer leur mise à exécution. Lord Russell a indiqué lui-même une des plus importantes de ces questions, en recommandant dans le texte de sa dépêche l'institution d'un Conseil d'Etat commun.

Je conclus en répétant que les explications qui précèdent ne peuvent rien enlever à la force et à la validité des engagements qui subsistent entre la Confédération Germanique et le Danemark, et que bien entendu nous réservons non seulement à la Confédération, mais aussi à nous-mêmes le droit d'en revenir uniquement à ces engagements si l'influence conciliante de l'Angleterre venait à ne pas atteindre son but par suite d'un manque de bonne volonté de la part de la Cour de Copenhague.

Vous voudrez bien, M. le Comte, vous exprimer envers le Principal Secrétaire d'Etat dans le sens de ces observations, et vous pourrez aussi placer à la disposition de son Excellence une copie de la présente dépêche.

Recevez, &c.
(Signé) RECHBERG.

(Translation.)

M. le Comte, *Vienna, October* 29, 1862.

MR. JULIAN FANE has communicated to me the despatch, of which a copy is inclosed,* addressed to him by the Principal Secretary of State for Foreign Affairs, by command of Her Majesty the Queen, with a view to facilitate a final arrangement of the difficulty which subsists between Germany and Denmark.

* No. 274.

As you will see by this despatch, Lord Russell, as an introduction to his proposals, designates, in the first place, the points on which, in his opinion, the discussions which have hitherto taken place have produced an indisputable result. He considers it as quite established—

1st. That in Holstein and Lauenburg no law can be decreed and no tax levied without the consent of the States of those Duchies.

2ndly. That the general Constitution of the kingdom of the 2nd October, 1855, which has been already formally suspended as regards Holstein and Lauenburg, must of necessity be and remain without effect as regards Schleswig.

3rdly. That the Kingdom of Denmark Proper has the right to frame its laws and impose its taxes, independently of the assent of the Duchies.

Taking these Articles as a point of departure, Lord Russell proceeds to trace the fundamental outlines of a plan by which the question of the position of Schleswig, as well as the complicated problem of the establishment of a common Constitution for all the Danish Monarchy, may be solved to the satisfaction of both parties.

These fundamental outlines are comprised by the Secretary of State in the four following points:—

1. Holstein and Lauenburg to have all that the German Confederation ask for them.

2. Schleswig to have the power of self-government, and not to be represented in the Rigsraad.

3. A normal Budget to be agreed upon by Denmark, Holstein, Lauenburg, and Schleswig.

4. Any extraordinary expenses to be submitted to the Rigsraad, and to the separate Diets of Holstein, Lauenburg, and Schleswig.

After having attentively examined this important communication, and having come to an agreement with the Court of Prussia, to whom the Cabinet of London has addressed the same proposals, I reply by the following observations to the wish expressed by Lord Russell, to be made acquainted with our views of his plan of arrangement.

After a long and fruitless discussion between the German Powers and the Cabinet of Copenhagen, the Imperial Government has acquired the conviction that to find the key of a final solution of the complications hitherto existing, it is above all necessary to persuade Denmark of the impossibility of preserving as a bond of union for the other portions only of the monarchy, the general Constitution of 1855, which was established contrary to the Conventions of 1851 and 1852, and which has already been abolished for Holstein and Lauenburg. This was the principal point of our Memorandum of last August.

We feel, therefore, especial satisfaction at seeing Great Britain share this opinion; and in taking note of it I do not hesitate to express the conviction that the British Government will have the merit of having greatly contributed to the settlement of a difference threatening to the peace of Europe, if it brings the Danish Government, which has so many motives for attaching value to the counsels of England, finally to renounce for Schleswig also the Constitution of 1855.

It is no less satisfactory to us that Lord Russell completely recognises the right of the Germanic Confederation to settle in the last resort, by its decisions, the questions concerning Holstein and Lauenburg which are pending at Frankfort.

We, on our side, are far from contesting that the Kingdom of Denmark proper should not use its special rights in the matter of legislation and of taxes without being bound by the consent of the representative bodies of the Duchies.

We congratulate ourselves, therefore, at finding that we are entirely in accord with the British Government as to the points which it considers to be removed from all further discussion. We hasten to add that for our part we are equally disposed to see in the positive proposals which form the second part of Lord Russell's despatch, a proper and equitable basis for the final solution of the Dano-Germanic question.

To cover the responsibility of the Imperial Government, I ought, however, to observe that in this affair the intercession of a third Power should be limited by the right of the Germanic Confederation, as recognized by Lord Russell himself, to act, in matters concerning the internal affairs of Germany, in conformity with the laws of the Confederation, independently of all foreign interference.

I should further recall to mind that the Cabinets of Vienna and Berlin have not precisely a commission to negotiate in the name of the Germanic Confederation, and are not, therefore, in a position to accept a change of any kind in the legal state of the question without the consent of the Confederation.

The four points laid down by Lord Russell as the basis of an arrangement, do not entirely agree with the stipulations of 1851 and 1852, from which the Germanic Confederation derives its demands, and the Governments of Austria and Prussia have not the right of accepting, in virtue of their own decision, a proposition which is not perfectly identical with these stipulations in place of their exact execution.

The two Governments must confine themselves to an expression of their individual opinion on the question whether this basis, thus modified, should be considered as admissible by the Confederation, and whether they can plead in its favour with their German confederates. This point established, I do not hesitate to declare that, according to the view of the Imperial Cabinet, the rights and interests which it is called upon to defend in the affair in question might be secured by the frank and complete execution of the four points laid down by the Cabinet of London, quite as effectually as by the execution of the stipulations of 1851 and 1852. The Imperial Government, in its love of peace, can assuredly not fail to give its best wishes to a proposal of settlement of which it entertains such an opinion, and which has on its side the authority of England. In the interest of the success which it desires, the Imperial Government thinks, moreover, that it cannot sufficiently recommend that the same spirit of equity towards the various portions of the Danish monarchy which is incontestably shown in the four points above-mentioned, should also guide the treatment of the questions which will require to be settled, either in addition to these four summary points, or to secure their execution. Lord Russell has himself pointed out one of the most important of these questions when recommending in the text of his despatch the establishment of a common Council of State.

I conclude by repeating that the preceding explanations can take nothing from the force and validity of the engagements subsisting between the Germanic Confederation and Denmark; and that, of course, we reserve not only to the Confederation, but to ourselves also, the right of reverting entirely to these engagements if the conciliatory influence of England should not attain its object, from want of good-will on the part of the Court of Copenhagen.

You will be good enough, M. le Comte, to speak to the Principal Secretary of State in the sense of these observations; and you may also place at the disposal of his Excellency a copy of this despatch.

Receive, &c.
(Signed) RECHBERG.

No. 298.

Mr. Fane to Earl Russell.—(Received November 3.)

(Extract.) *Vienna, October 30, 1862.*

COUNT RECHBERG informed me yesterday of the joint decision taken by the Austrian and Prussian Governments to accept your Lordship's project for the settlement of the Danish Duchies question, as the basis of negotiations with the Cabinet of Copenhagen.

The despatch by which the Austrian Government signifies its acceptance of your Lordship's project was forwarded yesterday to London, and will probably have been communicated to your Lordship before the receipt of this despatch.

Count Rechberg expressed to me the great pleasure which he derived in assenting, together with the Prussian Cabinet, to the views embodied in your Lordship's despatch, and added that if the overtures made by your Lordship should lead, as he hoped, to a settlement of this long-disputed question, all the Powers interested in it would have reason to be most grateful to Her Majesty's Government for having furnished the key to its solution.

No. 299.

Mr. Fane to Earl Russell.—(Received November 3.)

My Lord, *Vienna, October 30, 1862.*

IN my despatch of the 23rd instant, I had the honour to report to your Lordship that Count Rechberg had read me a brief despatch from the Austrian Minister at Copenhagen, stating that the Danish Government had expressed its readiness to concede to the Duchies of Holstein and Lauenburg all that the Confederation asked for them, and to

grant autonomy to the Duchy of Schleswig. I added that Count Rechberg expressed his pleasure at receiving this intelligence, as it implied the acceptance by the Danish Government of two important features of your Lordship's project.

Count Rechberg informed me yesterday that a more detailed report which he has since received from the Austrian Minister at Copenhagen shows that the Danish Government has only spoken, as yet, of granting self-government to Schleswig in the provincial affairs of the Duchy, as reported in Mr. Paget's despatch to your Lordship of the 14th instant, and that the views of M. Hall are very decidedly hostile to your Lordship's project.

His Excellency said that he regretted that this should be the case, and he could only hope that the Danish Government would not hastily reject a project which, in his opinion, was calculated to settle upon an equitable basis the questions at issue between Germany and Denmark.

I have, &c.
Signed) JULIAN FANE.

No. 300.

Lord A. Loftus to Earl Russell.—(Received November 3.)

My Lord, *Berlin, November 1, 1862.*

I HAD the honour to apprise your Lordship that a despatch had been transmitted from this Government to Count Bernstorff, containing the acceptance by Prussia of your Lordship's proposals for the settlement of the differences between Germany and Denmark.

M. de Sydow, in the absence of M. de Bismark, informed me to-day that the Austrian Cabinet had likewise addressed a similar despatch to the Austrian Ambassador in London, which, although not identic in form, was completely analogous in substance.

As the Prussian despatch will have been already in your Lordship's hands, it is unnecessary for me to enter into any details respecting it. It only remains for me to express a hope that the basis laid down by your Lordship and accepted by the two Great German Powers may be agreed to by the Danish Cabinet, and that your Lordship's unceasing endeavours to bring about an harmonious arrangement of these long-pending differences may be thus finally crowned with success.

It is generally thought here by my German colleagues (who all speak with praise and satisfaction of your Lordship's proposals), that although some difficulties may be at first raised in assenting to the proposed basis, the Danish Cabinet will at length see the desirableness of accepting the counsels of Europe, and of terminating in an amicable arrangement with Germany this complicated and tedious question.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 301.

Earl Cowley to Earl Russell.—(Received November 5.)

(Extract.) *Paris, November 4, 1862.*

M. DROUYN DE LHUYS mentioned to me this afternoon that the Danish and Swedish Chargés d'Affaires had been with him to express the deep emotion with which their respective Governments had received your Lordship's proposals for the settlement of the Holstein question. His Excellency said that he had endeavoured to calm their anxiety, calling to their recollection that proposals emanating from a Power so friendly towards Denmark as was Great Britain, and supported by another Power equally friendly as was Russia, merited the most careful examination.

No. 302.

Earl Russell to Mr. Jerningham.

Sir, *Foreign Office, November 5, 1862.*

I TRANSMIT to you herewith, for your information, a copy of a despatch which Count Wachtmeister has received from his Government,* and which he has communicated

* Inclosure in No. 295.

to me, respecting the project which Her Majesty's Government have recently submitted to the Danish Government, with a view to the settlement of the Danish Duchies question, and proposing that the presentation of this project should be deferred for the present.

I inclose copies of that project, and of M. Hall's reply thereto,* which has been communicated to me by the Danish Minister at this Court; and I have to instruct you to state to Count Manderström that the presentation of my despatch by Mr. Paget to the Danish Government, and the reply of M. Hall, make it impossible for Her Majesty's Government to wait for the project of the Danish Government as proposed by the Swedish Government.

I am, &c.
(Signed) RUSSELL.

No. 303.

Earl Russell to Earl Cowley.†

My Lord, *Foreign Office, November* 8, 1862.

I HAVE the honour to transmit to your Excellency copies of the further correspondence which has taken place with Austria, Prussia, and Denmark, on the subject of the Danish Duchies.‡

My reply to the last communication from the Danish Government has not yet been sent. If Her Majesty's Government could be assured that the fair and moderate proposals they have made would be supported at Copenhagen by the French and Russian Governments, it might be hoped that this long and vexatious controversy might reach its termination. Her Majesty's Government are persuaded that the fears of anarchy or absolute government expressed by the Danish Government have no real foundation. The self-government to be allowed to the Diet of Schleswig could not lead to such disastrous results. The people of Schleswig are industrious, quiet, and peaceable. They would not easily be led into riot or rebellion.

On the other hand, if the German Duchies are not satisfied, it will be difficult for the Danish Government to obtain from Holstein those supplies which, according to the demands of the German Confederation, must be freely granted with the full consent of the Diet of Holstein.

In face of all the difficulties of this question, bearing in mind on one side the Declaration in the Treaty of London of May 1852, "that the maintenance of the integrity of the Danish Monarchy, as connected with the general interests of the balance of power in Europe, is of high importance to the preservation of peace," and respecting, at the same time, the incontestable rights of the German Confederation in the Duchies of Holstein and Lauenburg, Her Majesty's Government are persuaded that no more equitable and practical solution will be found than that which Her Majesty has proposed.

I am, &c.
(Signed) RUSSELL.

No. 304.

Mr. Howard to Earl Russell.—(Received November 10.)

(Extract.) *Hanover, November* 8, 1862.

COUNT INGELHEIM, the Austrian Minister at this Court, communicated on the 5th instant to Count Platen the despatch addressed on the 29th ultimo by Count Rechberg to Count Wimpfen, in answer to the communication made to the Austrian Cabinet, through your Lordship's despatch of the 24th of September last to Mr. Fane, of your Lordship's proposals for the settlement of the Schleswig-Holstein question.

His Excellency observes that although your Lordship's proposals have been, as it is stated, rejected by the Danish Government, the fact of their having been made is of no small importance.

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* Nos. 274 and 294.

† A similar despatch was addressed to Lord Napier.

‡ Nos. 294, 296, and 297.

No. 305.

Memorandum communicated to Earl Russell by Count Bernstorff, November 14, 1862.

AN assertion has been repeatedly advanced by the Government of His Danish Majesty, to the effect that Denmark, in the negotiation of 1851 and 1852, did not enter into any engagements towards the German Confederation respecting the political status of the Duchy of Schleswig.

The contrary of this assertion is undeniably proved to be the fact by the contents of the despatches interchanged between Copenhagen, Vienna, and Berlin, in the months of December 1851 and January 1852.

His Danish Majesty, founding his claim upon the tenor of Clause 4 of the Treaty of Peace of July 2, 1850, had called for the intervention of the German Confederation to restore him to the possession of the Duchy of Holstein. Compliance with this desire, in accordance with the stipulations contained in the clause just quoted, as also pursuant to clause 27 of the Acte Final of Vienna, of May 15, 1820, mainly depended upon the readiness of the King to inform the German Confederation of his resolves respecting the future pacification of the Duchy.

On the 26th August, 1851, the Danish Government addressed its first declaration upon this subject to the Courts of Berlin and Vienna, that had been authorised by the Confederation to conduct the necessary negotiations. This declaration the Courts just named considered to be insufficient to cause them to take measures for the restoration of His Majesty's power over the Duchy.

In reply to their refusal to entertain the desire of the Danish Cabinet, the latter issued its despatch of December 6, 1851.

Germany, it was maintained in this despatch, could not require any binding engagement on the part of Denmark respecting the nature of the measures to be adopted for the future pacification of the Duchy; nor was Denmark in a position to enter into any engagements to this effect. But a confident hope was expressed at the same time, that, in the event of the Royal desire being complied with by the restoration to His Majesty of the full and sovereign power over the Duchy, the King would find it possible in a short time to increase the moral guarantees supporting the existence of his Monarchy, both as regards the mutual relation between its various component parts and the preservation of peace for the whole. But it was a condition inherent to the very nature of such guarantees —thus the despatch went on—that they could only be tendered voluntarily, and without any compulsion.

For the better information of the Courts above named, the intentions of the King were confidentially explained in a special inclosure of the despatch (marked No. 2), and the assurance was added, that eventually no hesitation would be experienced by His Majesty to carry out the views thus communicated.

These views were couched in a series of clauses, each bearing upon a separate subject, and all properly defined; but their interest for the purposes of this Memorandum is limited to those parts relating to Schleswig exclusively. In this particular subject the following passages occurred in the inclosure :—

" 1. If, from a regard for the advice and the expressed desire of his illustrious allies, the resolution has been arrived at by His Majesty to govern not only the Duchy of Holstein, but also the Duchy of Schleswig, for the present in the capacity of an absolute King, with the co-operation only of consultative Provincial Diets, such resolution, as far as the Duchy of Schleswig is affected by it, mainly proceeds from the free and unrestricted exercise of the sovereign power of the Crown. Nor is any intention entertained by His Majesty to further or bring about by this means the re-institution of Provincial Diets in the Kingdom of Denmark, together with the abolition of the Charter enacted for the latter, and retaining its full validity. It is, on the contrary, the object of His Majesty, in taking this step, to secure in a legal and constitutional way, that is, with the concurrence of the consultative Provincial Diets, as far as regards each of the two above-mentioned Duchies, by the enactments of the Riksdag for the Kingdom, and with the co-operation of the Ritter and Landschaft in Lauenburg, the formation of one united monarchy by the creation of an organic and analogous constitutional tie between its different parts.

" 2. While abiding by his former promise, that the Duchy of Schleswig is neither to be incorporated with the Kingdom, nor any measures taken, having that incorporation for their object, the King, on the other hand, will not sanction any proposal resulting in the fusion of Holstein and Schleswig into one body public, or at all conducive to the institution of a different or nearer connection between these Duchies than will now or at a later period exist between either and the Kingdom of Denmark, &c."

In clause 3 it is furthermore stated, that there is nothing in the preceding clause militating against the continuance between the two Duchies of such ties as result from a similarity of territorial and industrial conditions existing between border countries. Nor would there be any cause for official interference with institutions of a non-political nature that were common traditions to both countries, or that were founded upon common rights or privileges of certain classes in either of them.

Besides, in clause 4, it was declared as a necessary presupposition of all agreements, that the German Diet should not maintain any claim of legal interference with the condition of the Duchy of Schleswig, which, it was alleged, is a country entirely subject to the dictates of the Danish Crown.

But these proposals retaining the point of view originally taken by the Danish Government, and including no binding engagements whatever, met with the distinct refusal of the German Powers equally as at first.

The following unmistakeable passages occur in the reply given by the Austrian Court to the Danish proposals, under date Vienna, December 26, 1851 :—

. . . . . "that, in order to accelerate the ultimate settlement of the matter, we shall readily speak out our opinion upon the intention of His Danish Majesty, now communicated to us, but we cannot do this except upon the supposition to have before our eyes a declaration, considered to embody a binding engagement by the Government who made it, and the fulfilment of which is consequently ensured to all parties concerned.

"Convinced as we are, that the solution of existing difficulties could not be long delayed after an agreement had been arrived at between the German Powers and the Danish Cabinet, concerning the nature of the steps to be taken by the latter for this purpose, we do not apprehend that, in the event of so auspicious an issue, any hesitation would be experienced by the Danish Government to make a distinct promise, guaranteeing the actual carrying out of the steps in question."

Again it is said in another part of the same despatch :—

"After thus defining once more the point of view we have adopted in this matter, we have much pleasure in being able to say, that, apart from the question of obligatory engagements, we do acknowledge these resolutions to include an attempt at a reconciliation of conflicting views, in accordance with the altered circumstances of the case.

"In the inclosed memorandum, which takes up the arguments of Inclosure No. 2 of the Danish despatch clause by clause, are explained the motives of our assent, as well as the expectations we entertain in the event of the proposals being properly carried out."

From the memorandum just quoted, we extract the following :—

"1. The Imperial Court receives with satisfaction the announcement of the resolution of His Majesty the King of Denmark to restore to action, not only in the Duchy of Holstein, but also in that of Schleswig, the Provincial Diets forming part of the legitimate institutions of these countries. And if the intention has been simultaneously announced by His Majesty to introduce in a legal and constitutional matter, that is, after consulting upon the subject with the Provincial Diets of the Duchies above mentioned, an organic and analogous constitutional tie connecting his various territories, and transforming them into one united Monarchy, the Imperial Court cannot but regard the Royal intention as aiming at the fulfilment of a necessary and unavoidable task, &c.

"As sincerely, however, as it is the wish of His Majesty the Emperor that the quiet and prosperity of the Danish realm should be consolidated as soon as possible, by a definitive organisation corresponding to its peculiar circumstances, so confidently it is, on the other hand, expected by His Majesty that in the endeavours directed towards this important object, no exclusive privileges whatever will be granted by the Danish Government to the institutions conferred upon the Kingdom of Denmark Proper during the last few years; but that the Danish Government will, as the only standard to be safely relied upon, allow themselves to be guided in these endeavours by the permanent and fundamental interests of the entire Monarchy, and the important object of strengthening the ties between its various component parts. Once satisfied upon this head, His Majesty will not hesitate to contribute to the consolidation of their connection, by taking part in the international guarantee for a common succession, to be given in concert with other allied Powers.

"2. The declaration of His Majesty the King of Denmark, that the Duchy of Schleswig shall be neither incorporated with the Kingdom, nor any steps taken having that incorporation for their object, has been received with feelings of gratification by the Imperial Court. This declaration is considered by the Imperial Court to include a new confirmation of a promise to the same effect which, being originally given to his subjects by the late King Christian VIII, was, immediately after the conclusion of the Treaty of Peace of the 2nd July, 1850, renewed by His present Majesty in the Manifesto of the 14th of the same month, and, moreover, has been communicated to the German Confederation

in accordance with clause 4 of the Treaty of Peace just mentioned, as showing the earnest intention of the King to ensure the pacification of the country."

The Imperial Government, in a subsequent part of the declaration, proceeds to recognize to its full extent the right of the King to abolish the common administrative and judicial institutions formerly existing between Schleswig and Holstein. A similar recognition is also bestowed upon the principle that the action of the Federal laws, and accordingly the right of Federal interference, as far as it is based only upon those laws, can never be extended to any country not belonging to the Confederation, and consequently not to Schleswig.

In conclusion, a confident hope is expressed, "that the King, both in the future organization of the monarchy, and the conduct of public business in the interim, will, by suitable arrangements, and with equal care, secure a proper position to each of his various territories, the latter being the constituent element of a whole, in which no part is subject to the dictates or interests of the others."

With reference to these illustrative remarks the Vienna despatch of December 26, 1851, continues as follows:—

"Were it the pleasure of the Danish Government to acknowledge as its own the interpretation of its programme laid down in the present despatch and its inclosure; were the Danish Government also, in the binding form of a declaratfon made at the command of His Majesty the King, to furnish us with a guarantee for the real carrying out of intentions which, officially, have been hitherto communicated to us only as so many proposals to be possibly realised; and were its actions to be framed accordingly, as far as it has the opportunity of doing so yet now, we should then be able to trust in a speedy and conciliatory adjustment of the existing differences between the various parts of the Danish Monarchy, as well as between the latter and the German Confederation. We should, in this case, return the commission by virtue of which we are now charged to represent the German Confederation in this affair in conjunction with Prussia, evacuating, at the same time, the Duchy of Holstein, and reinstating in it the full power of the Sovereign. We should also stand up in the Federal Diet for the agreement arrived at; and we should deem the new and fundamental ties of the State, now united under one ruler, to have been sufficiently strengthened to admit of our participation in an international guarantee of the integrity of the Monarchy by the recognition of a common succession in its various parts."

The Danish Government did not hesitate to express its concurrence with these declarations.

Alluding to the assent which had been given by Prussia to the Vienna despatch, the Danish Minister of Foreign Affairs declared in his reply of January 29, 1852:—

"Under these circumstances, it cannot but afford me high satisfaction to declare, in consequence of the special authorisation of His Majesty, that the King our most gracious Sovereign acknowledged as his own the interpretations which have been laid down in the despatch of the Imperial Cabinet of 26th December last, and its inclosure, concerning the Royal intentions lately communicated to the Courts of Berlin and Vienna; and that this acknowledgment of the correctness of the said interpretations in general is also specially given in respect to those passages relating to the non-incorporation of Schleswig with the Kingdom."

At the same time, communication was made to both Powers of the Royal Proclamation issued the day before, under date January 28, 1852. In it the promise of a common charter for the general concerns of the Monarchy is repeated, and another assurance added, "that the provincial institutions, both of the Duchy of Schleswig and of Holstein, will be so far developed, as to confer upon either Duchy a Representative Diet possessing the privilege of a decisive vote upon all matters hitherto subject to the co-operation of their Consultative Diets." "In the Bill to be drawn up for this purpose for the Duchy of Schleswig," the proclamation continues, "the necessary special enactments will be included for securing a perfect equality of rights and effective protection to the German and Danish nationalities in the Duchy."

"The contents of this Royal Proclamation," the Copenhagen despatch of January 29, 1852, proceeded to state, "will, it is confidently hoped by the Royal Government, fully answer all just expectations. Nor can it be doubted that, after giving, by means of the above Declaration, a positive and determined proof of the concurrence of Denmark with the views expressed by the Imperial Cabinet and shared by the Royal Government of Prussia, the form that has been selected for the expression of these Royal intentions will be regarded by both Courts as perfectly sufficient to cause them to allow no further delay to intervene in the execution of the measures designated by them."

At the close of the despatch the declarations thus exchanged are expressly described to constitute "an agreement that has been made."

The two German Powers being satisfied with the contents of the despatch, in reply to the promises accorded, withdrew the Federal troops from the Duchy of Holstein, restoring, at the same time, the possession of the sovereign power over the country to the hands of His Danish Majesty.

By thus fulfilling its part in the agreement, the German Confederation acquired the right to raise the following demands on Denmark respecting the Duchy of Schleswig :—

1. Schleswig is not to be incorporated with Denmark, but,

2. An independent position and an equality of rights in its relations to the rest of the Monarchy is to be conceded to Schleswig as well as to each of the other territories.

3. The German and Danish nationalities are to be placed upon a level of rights in Schleswig.

Indeed, the Danish Minister, M. Hall, believes himself to be justified to repudiate these engagements of the Danish Government, explained in the above, by asserting in his despatch of June 10, 1860 :—

"That the Federal vote of July 29, 1852, forming an *acte final* of the negotiations that had been carried on before, it cannot be allowed to derive from the preceding negotiations a claim not based upon the concluding *acte ;* and that Schleswig is not alluded to with so much as a word in the Federal vote."

But this argument is in open contradiction to the real facts of the case.

In this first instance, as appears from the preceding account of the gradual progress and successive developement of the negotiations, the declarations interchanged in the despatches of December 6 and 26, 1851, and January 29, 1852, were not confined to the more circumscribed category of provisional Treaties ; but, as the Copenhagen Government expressed itself in the despatch last quoted, they formed "an agreement that has been made." This agreement having been immediately carried out on the side of Germany in favour of Denmark, the Danish Court is clearly bound to abide, on its own part, by the engagement.

Furthermore, nothing in the shape of an *acte final* was ever drawn up respecting the agreement alluded to by M. Hall. Least of all, therefore, the Federal vote of July 29, 1852, can be considered as such.

In this vote the motion of Prussia and Austria, that preceded it, is expressly referred to. The said motion itself being mainly based upon an introductory account of what had passed before, cannot be correctly understood except in connection with the latter. But in this introductory account accompanying the said motion those very points relative to the future position of Schleswig which in the above have been described as the result of the whole interchange of despatches, are specially designated as constituting a binding obligation formally undertaken by Denmark. It cannot be averred in consequence that in the Federal proceedings of July 29, 1852, the Duchy of Schleswig has not been made mention of.

The question before the Federal Diet in that sitting was not that of bringing about and arriving at the conclusion of any Treaty at all. On the contrary, it merely devolved upon Prussia and Austria on that occasion, in accordance with the desire expressed by the Copenhagen Cabinet in its despatch of January 29, 1852, "to vindicate the agreement that had been already concluded," and to obtain its sanction on the part of the Confederation.

Accordingly, the Envoys of Austria and Prussia, after a short historical survey of the steps taken by either Power, in consequence of the commission which they had received, made the following statement to the Diet :—

"The proclamation of His Majesty the King of Denmark, dated January 28 last, will be laid before the High Diet by the Envoy of the King of Denmark, Duke of Holstein and Lauenburg." [This was done immediately afterwards.] "On their own part the Envoys of Austria and Prussia have been instructed to declare that this proclamation, in those of its several enactments relating to the former differences between Denmark and the German Confederation, embodies the agreement arrived at between the Danish Government and the Courts acting in the name of the Confederation."

Proceeding to offer some illustrations in detail of the said agreement, the Envoys, in the course of their remarks, had occasion to express themselves in the following literal terms :—

"The German and Danish nationalities in the Duchy of Schleswig are guaranteed the possession of an equality of rights and effective protection."

And again—

"Recognising the free and mutually independent position of the various parts of the Monarchy, of which none is subject to or incorporated with any of the others, the proclamation of January 28, 1852, is especially in accordance with the Royal intimation of July 14, 1850, and the promise renewed in the latter, namely, that no incorporation of the Duchy of Schleswig with the Kingdom of Denmark shall ever take place."

We fully admit that the agreement arrived at was subject only so far to the laws and rights of the Confederation, and in consequence to the constitutional examination and decision of the Federal Diet, as it related to the position of countries forming part of the Federal territory. Such countries, in the present instance, were Holstein and Lauenburg. Respecting Schleswig, the agreement arrived at necessarily bore the character of an international arrangement, intended to adjust the difference that had arisen upon this particular question between Holstein and the Kingdom of Denmark. It strictly corresponded with the different position of the Duchies concerned, that Prussia and Austria, in their motion, while requesting the sanction of the Federal Diet for the adjustment of the former differences in their totality, yet, with due regard to the inherent diversity of the matter, did not call for the acknowledgment that the said agreement was in accordance with the Federal laws and rights, except in so far as it related to the concerns of Holstein and Lauenburg, and was subject therefore to the constitutional examination and decision of the German Confederation.

So there is no difficulty whatever to account for the Diet, in strict accordance with the motion above mentioned, passing the following vote in the same sitting of July 29, 1852: "That the decrees of the Proclamation issued by His Majesty the King of Denmark, Duke of Holstein and Lauenburg, on the 28th January last, as far as they relate to the concerns of the Duchies of Holstein and Lauenburg, and are subject, under the existing circumstances, to the constitutional examination and decision of the German Confederation, shall be acknowledged to correspond with the tenor of the laws and the rights of the said Confederation; and that the final and definitive sanction of the Diet which has been reserved for it is hereby conferred upon the adjustment of the pending differences between Denmark and the German Confederation, effected by His Majesty the King in concert with Austria and Prussia, acting as delegates of the Confederation.

No. 306.

Mr. Paget to Earl Russell.—(Received November 17.)

My Lord, *Copenhagen, November* 13, 1862.

I HAVE the honour to transmit herewith a translation by Mr. Rainals of an article in the "Berlingske Tidende," the organ of the Danish Government, relative to the measure adopted in the Council, held yesterday and presided by the King, for the establishment of a Local Government in Holstein.

The motives for these measures, and the end sought to be obtained by them, are explained at the end of the article, and agree entirely with what M. Hall has said to me on the subject.

It only remains for me, therefore, to express the hope that the new arrangement may produce the favourable results which are anticipated of it, and that the population of Holstein may recognize in it "evidence of His Majesty's readiness to take all steps which are likely to meet the just wishes, and forward the interests of the inhabitants of the Duchy."

That the arrangement will have any favourable effect upon the relations between this country and the German Powers it would be too sanguine to expect. It may, indeed, be deemed fortunate if it is not considered by the latter as a step towards that policy of separation which they are determined to oppose.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 306.

Extract from the "Berlingske Tidende" of November 12, 1862.

(Translation.)

IT is stated that, in a Privy Council this day held, His Majesty the King has decided upon the establishment of a Local Government for Holstein, which is to commence its operations on the 1st of December next, and have its seat of residence in the Duchy of Holstein, at some place later to be decided upon. Until this decision shall have been taken,

and other necessary arrangements made, the said Government will remain in this city. At its head will be placed Count Adam F. A. Moltke, at present Sheriff of the counties of Reinbeck, Tremsbuttel and Trettan, with the title of Government-President, and he will be supported by four Government-Councillors, namely, MM. Schultze, Von Rosen, and Von Rumohr, Directors of Departments in the Holstein-Lauenburg Ministry, and by M. Von Warnstedt, now Revenue Officer in the county of Tremsbuttel. The Holstein-Lauenburg Ministry will not be abolished, and the office of the Secretary to the Ministry will remain in Copenhagen, but its organization will be changed, while the other offices, under the Ministry, will be under the control of the Local Government.

Questions which are to be laid before the King for His Majesty's approval, or that require to be discussed with other Ministers, will alone, as a general rule, be submitted to the Ministry.

Thus, for its home affairs, Holstein will obtain a position nearly analogous to that enjoyed by Lauenburg—the other German Duchy belonging to the Danish Monarchy—a position which, however, does not represent a new idea, inasmuch as the expediency of a mediating authority for Holstein, as the one now to be established, was already brought forward in 1852, after the Royal Ordinance of January 28th, same year, had been issued by Count Reventlow-Criminil, then Minister for Holstein.

It is to be presumed that this arrangement will be hailed with satisfaction by the population of Holstein; it is to be hoped that it will recognize in it evidence of His Majesty's readiness to take all steps which are likely to meet the just wishes, and forward the interests, of the inhabitants of that Duchy.

A still further proof of this will be found in the fact that the Royal sanction has been obtained, in the same Privy Council, to lay before the Holstein States, when next they assemble, a series of drafts of laws having as their object the facilitating, accelerating and simplifying the administration of justice in Holstein.

No. 307.

M. Hall to M. Quaade.—(Communicated to Earl Russell by M. de Bille, November 20.)

(Translation.)

Sir, *Copenhagen, November 6, 1862.*

FROM the despatch of the Prussian Government of August 22nd, you will have seen that the Prussian Cabinet, instead of entering into a practical discussion on the manner of arranging for the Duchies of Holstein and Lauenburg a constitutional position, in accordance with the Decrees of the Confederation, has preferred to attack constitutional institutions and internal administrative measures, concerning only those parts of the Monarchy which do not belong to the Confederation, and it has in justification of this proceeding appealed to the negotiations of 1851 and 1852.

We believe that a speedy settlement of the Holstein-Lauenburg question is a matter of such importance to all the interests concerned that we should hesitate before complicating it still more by mixing it up with other questions with which it has no necessary connexion. We have shown already, and must repeat it here, that to combine an affair which is asserted to be purely Federal, with another which even the Prussian despatch admits to be of a purely international character, would be a step leading to most important consequences. For there can be no doubt, we think, that the procedure established by the Federal law for the treatment of questions in dispute ceases to be applicable to any question which, by being combined with another matter of an international character, ceases to stand on Federal grounds.

For these reasons, I must continue to insist on the present negotiations being confined to the limits naturally assigned to them, by the fact of their arising out of a series of Decrees passed by the Federal Diet, from February 11, 1858, to February 7, 1861, all of which concern Holstein and Lauenburg alone, without referring by a single word, or a single allusion, to the parts of the Monarchy not included in the Germanic Confederation. Nevertheless, in the face of the reproach, which, however unjust, has again been addressed to the Royal Government, viz., that it has not expressed itself with complete frankness and clearness, on all the points in dispute between us and the Germanic Confederation, I have thought it necessary to examine this time in detail, the different arguments advanced in support of the German pretensions.

You will therefore find in the annex a complete, and as I hope a correct, statement of the real substance of the negotiations of 1851 and 1852. We have given this statement the form of a reply to the Austrian Memorandum, communicated to us simultaneously with the Prussian despatch of August 22nd, because that Memorandum contains an argu-

ment in support of the claims advanced by both Powers. For the sake of avoiding useless repetitions, I beg you to give the Prussian Minister of Foreign Affairs a copy of that reply. The Minister will learn from that document both how inaccurate the principal statement is, in which the Prussian despatch has summed up the contents of those negotiations, and also how unfounded the conclusions are, at any rate, which have been drawn from that principal statement, not only as to the constitutional position of Holstein and Lauenburg, but also as to the other parts of the Monarchy, not belonging to the Germanic Confederation. The Prussian despatch appeals to the spirit of those negotiations, and states that their object was to find an equivalent for the former administrative connexion of Schleswig and Holstein; but I think it will appear clearly from our reply, that the true spirit of those negotiations was, on the contrary, that of protecting the Sovereign rights of the King, and that their recognized object was that of thoroughly preventing the renewal of fatal dissensions, by confirming and even extending the rights of the Germanic Confederation over Holstein and Lauenburg, whilst on the other side, with regard to Schleswig, it was admitted, not in the way of a concession to Denmark, but as something existing in point of fact and of law, that that Duchy was not, and could not be made, the subject of discussion or negotiation on the part of the Germanic Confederation, and furthermore that Holstein had no claim to a community or unity of the public institutions of the two Duchies, beyond what had been already satisfied by the non-political institutions accorded by the King.

The question is, however, too important to be decided by an interpretation of some expressions more or less clear in a diplomatic correspondence; for the most essential property of a Sovereign State is assuredly its right to organize, according to its own wants and wishes, its constitution and administration, which are the essential conditions of its individual existence. And what is now claimed of the King of Denmark by the German Powers? Nothing less than that he should overthrow the existing constitution of the country, decree a provisional one, and finally prepare the way for a new order of things, according to a scheme and a form prescribed by them. And all this is demanded, not only in behalf of the Duchies of Holstein and Lauenburg, as to which the sovereignty of the King is limited by the competency of the Federal Diet (a competency which, at least as far as the King of Denmark is concerned, has been extended far beyond the limits to which he subscribed on voluntarily joining that "international Confederation of sovereign Princes"); but, not content with this, the German Powers make these same demands also in reference to those parts of the monarchy which have nothing whatever to do with Germany. But how and at what time has Denmark ever abdicated its rights as an independent member of the system of European States? When and how has Germany acquired the right of paralyzing at her will every vestige of independent political life in the Danish monarchy? Did not the Prussian Government protest solemnly in 1823, "that the Confederation was debarred from exercising any imaginable influence on the affairs of Schleswig by the fact that the Duchy did not belong to the Federal German territories, and was consequently placed beyond the competency of the Confederation?" The Federal Diet at that time took the same view of the subject, nor is there in the Decree of September 17, 1846, or in that of July 29, 1852, or, in short, in any of the whole series of Decrees passed since February 11, 1858, any mention made by the Diet of the non-German parts of the monarchy.

But, apart from the legal side of the question, what sort of organization is it that the despatch of August 22 tries to force upon us?

The experience of other countries proves sufficiently that it can be difficult even in quiet times, and without foreign influence, to obtain the vote of a Budget by a single Assembly representing the whole of a monarchy. How, then, can a Constitution be deemed possible according to which the appropriations required for the public service are only obtainable by a concordant vote of four entirely independent Assemblies, representing each a separate territory? Would it be possible to expect any, even the slightest, development of common institutions and common laws when this were made to depend on the assent of four Assemblies very differently constituted, and which from want of connecting organic institutions would naturally be induced to develop in a one-sided manner existing differences? Indeed, this would be an infallible means for destroying even the most compact unity, and how much more so then a monarchy of which the component parts, notwithstanding many links connecting them, such as national affinities, or at least historical traditions and material interests, have, nevertheless, unhappily become but too much disunited and estranged in these latter times, in consequence of internal dissensions and foreign influence. For any State, but above all for the Danish Monarchy in its present condition, such an organization would in the first instance produce anarchy, and finally result in dissolution.

With these remarks I close what I have to say on the subject of the despatch of

August 22. I turn next to the question, in what manner these present negotiations can be made to conduce to a practical result. Before doing so I will, however, in a few words trace the history of the question.

When the Royal Government in 1851 undertook the important task of establishing a new organization for the Monarchy which could secure better than hitherto the internal peace of the country, and at the same time satisfy its craving for a Constitutional system, it was thought possible to embrace the Duchies of Holstein and Lauenburg in the same Constitution with the rest of the Monarchy. The Government was, however, fully alive to the dangers of such an attempt, and aware that it could only be successfully accomplished under two conditions, which were, therefore, also expressly stated in the correspondence of 1851. It is thus declared in the Danish despatch of December 6, 1851, that "the King entertained, with reference to the resolutions he was about to take, the hope which he had never renounced, that the majority of those of his subjects who had been led astray by the violent events that had taken place, would not only outwardly, but in a really renewed spirit of loyalty return to their duties, and that the dearly bought experience of the past years would open the way to an unprejudiced and calm appreciation of circumstances as they were." The Royal Government besides expressly declared to the German Courts, "that the establishment of such a common Constitution, and in general of the administration of His Majesty's dominions as one collective monarchy, was deemed possible only on the supposition that the obligations contracted by the King as a member of the Germanic Confederation should not be further extended, and his sovereignty over his two German Duchies not be further limited or curtailed than the existing Federal legislation might require, to which the King had assented, and finally, that the Confederation renounced any and every claim to jurisdiction over the Danish Crownland, Schleswig." Nor did the Royal Government proceed with its task till the express promise had been given, that on an understanding being at last brought about, "every future difference which might possibly arise between Denmark and the Confederation would be confined within the limits of the Constitutional competency of the Confederation.

Unfortunately none of these suppositions were accomplished. Instead of agreeing to a common Constitution, whose "conformity with the laws and rights of the Confederation" had been recognized by the Federal Diet, and which in no wise entrenched on the development of any separate relations and interests, the Estates of Holstein formally declared "that the autonomy of the separate territories of the Monarchy was irreconcilable with the creation of a common representative organ," and thus condemned in advance every attempt to restore the previously existing union. And as for the Germanic Confederation, we will, instead of examining how far it has confined itself within the limits of the Federal Legislation, merely ask the Prussian Government whether it be not the avowed and common object of the efforts of the German Governments to give the Confederation a greater unity. Very different views may be entertained as to the manner of accomplishing this object, but there can be no doubt as to such a transformation being brought about sooner or later, and in some way or another. In the same degree in which the bonds uniting the different Federal lands are drawn tighter and made stronger, in the same degree does it become impossible for a Federal land to continue in an intimate constitutional union with a State outside and independent of the Confederation. We trust that, at least, that justice will be done us, that, in making this observation, we are by no means animated by any hostile sentiment towards Germany, but simply guided by an unprejudiced appreciation of events as they really are, and have developed themselves historically.

In view of such altered circumstances the Royal Government would have been justified in following the course pointed out to us in the Austrian despatch of December 26, 1851, namely, to communicate to the Confederation the reasons which might induce us to attain our object by other means than those before thought of. The Royal Government did not, however, choose that way, but preferred, as long as possible, to adhere to a constitutional union of Holstein with other parts of the Monarchy, as at first intended, and even after having been obliged, under threat of a Federal Execution, to abolish this union, we have, nevertheless, made renewed efforts for restoring it.

New Federal Decrees were issued, requiring, under threat of a Federal Execution, "that all Legislative Bills submitted to the Rigsraad should also be submitted to the Estates of the Duchies of Holstein and Lauenburg, and that no law in common affairs, especially in financial matters, should be promulgated, that had not obtained the assent of the Estates."

A new way to bring about a regular state of things has thus been prescribed by the Confederation, but not chosen by the King's Government. As it was the Confederation which, some time ago, forbade the participation of the German Duchies in the common Representative Assembly for the whole Monarchy, so it is again the Confederation which

requires a separate representation for Holstein, which is to treat co-ordinately with the Rigsraad all those matters which can in future continue to be in common.

However much we regret that circumstances do not permit us to continue our efforts for the consolidation of all parts of the Monarchy into a unity, we have submitted to necessity, and declared ourselves ready to yield to this demand of the Confederation, as far as the principle involved was concerned.

Taught, as we have been, by a sad experience, we have only wished to create for this new order of things a better fate than that which became the lot of its predecessor, and we have, therefore, desired to come to an understanding with Germany about the stipulations required for such a co-operation of the Holstein Estates with the Rigsraad before conferring on those Estates a new authority extending also to the common affairs.

Such has been the object of the present negotiations, and this is the reason why we opened them with a proposition intended to reconcile that position of Holstein which the Confederation required with the indispensable conditions for the existence and development of the collective Monarchy.

The Royal Government has been aware that exceptions might be taken to particular points in the proposed arrangement, and, earnestly desiring to come to a final understanding, it is ready to meet, as far as possible, any counter-proposition which the Prussian Government may make. We shall always be found ready to concede to the German Duchies all that the German Confederation may claim in their behalf, either as a right or as a matter of equity. The only point which the Royal Government must regard as a sacred duty to maintain is, that the independence of Holstein must not be made to entail the dependency of the Danish Monarchy.

I beg you to read this despatch to the Prussian Minister of Foreign Affairs, and to leave him a copy of it and of its annex.

(Signed) C. HALL.

Inclosure in No. 307.

M. Hall to Count Bille-Brahe.

(Translation.)

Sir, *Copenhagen, November* 6, 1862.

IN the Memorandum which, at the close of last August, M. von Jaeger presented to me, the Austrian Cabinet has been unwilling to advance the same far-reaching claims as contained in the Prussian despatch of August 22, without at the same time stating the grounds on which it is believed that those claims can be advanced.

The Royal Government finds in this circumstance a proof that the Imperial Government does not intend to go further in its claims than it supposes itself justified by the negotiations of 1851; and when, therefore, I request you to communicate to Count Rechberg the annex to this despatch, which contains what I firmly believe to be a full and correct account of those negotiations, I do this, not alone because I deem it necessary, once for all, to express completely the view taken by the Royal Government of these negotiations, which have been so often misunderstood, but also in the sincere hope that the Imperial Government will modify its conclusions after having reconsidered the premises.

The Imperial Memorandum terminates with an advice which I must here specially reply to. I mean the passage in which it recommends the re-establishment of the former administrative connection between Schleswig and Holstein as a means effective for tranquillizing the population of these Duchies, and, at the same time, not any longer fraught with danger to the integrity of the realm, since the unity of the succession has been secured by a European Act. The Royal Government, however, without in the least underrating the great importance of the definitive arrangement, which has removed every doubt as to the indivisibility of the Danish Crown, nevertheless would not be justified in encouraging anew, by its own actions, those secession tendencies which alone gave rise to this question. The Royal Government is at the same time convinced, that such a union would prove a means of tranquillizing or satisfying only that portion of the population who, unfortunately, have not yet given up speculating on revolutionary events; and when the Royal Government should decide to conform with the claims of the Germanic Confederation, as to another and more independent position of Holstein than that which belongs to a mere province, it would appear much more natural to counteract the possible consequences of the looser connection between the Federal territories and the other parts of the Monarchy, by making these latter parts more closely connected amongst themselves. At all events, a closer connection between Holstein and Schleswig would greatly increase the danger of the spread of

tendencies to separation from the Danish Monarchy, in order to enter into other political combinations, which hitherto have always been based upon the possession of Schleswig.

The Royal Government, though it cannot for these reasons adopt the advice of the Imperial Government, nevertheless is convinced of its having been tendered in that friendly spirit, and that interest for the welfare of the Danish Monarchy, which has always animated the Imperial Government; and this interest makes me hope that Count Rechberg will appreciate the importance of the above remarks, of which the truth will become still more evident by comparing the present situation with analogous ones in other countries.

I beg you to read this despatch to the Minister of Foreign Affairs, and to leave him a copy of the same, and of the annex.

(Signed) C. HALL.

Annex.

HOWEVER painfully the Royal Government has been affected by the severe judgment pronounced on the position of the present Ministry, with regard to supposed political parties, as well as on its manner of interpreting former transactions, and by finding even its "good faith" questioned, I will, nevertheless, not complain of these expressions in the Austrian Memorandum; for the acknowledgment of "the good faith in which the Agreements of 1851 and 1852 were carried out," which the Imperial Government, on the other hand, attributes to a former Ministry, will, perhaps, more than anything else, assist me in placing in another light the measures which the Imperial Government has so severely criticised.

All these steps, which the Austrian Memorandum, in the supposition that they have been taken by the present Cabinet, characterizes as "not being in conformity with the agreements of 1851, but rather contrary to them," were undertaken by that very Ministry in whose loyalty, in respect to the realization of the word and spirit of those negotiations, the Imperial Government (justly, no doubt,) placed so great a confidence.

It was that Ministry which, from its intimate acquaintance with negotiations, did not for an instant doubt that it was in complete accordance with the said negotiations, when only the required alterations in the Provincial Charters were submitted to the Provincial Assemblies, reserving the promulgation of the common Constitution to the King's sovereign authority. Accordingly, the Constitution of February 18 and June 11, 1854, for Schleswig and Holstein respectively, were promulgated after having been discussed in the Assemblies of the Estates, with the exception of the first paragraphs, which treated of the common affairs. And in the Letters Patent of December 20, 1853, for Lauenburg, it was expressly stated, that the King reserved for himself to take those further measures which were required for the establishment of a common Constitution, as far as that Duchy was concerned. Finally, the common Constitution for the whole Monarchy was decreed on July 26, 1854, solely by virtue of His Majesty's sovereign authority.

It was that same Ministry which created a common representation according to the ratio of population and taxation; and this natural principle is, therefore, not first introduced in the Constitution of October 2, 1855; but had already, in the Constitution of July 26, 1854, been acknowledged as the only just rule.

Even the existing language-regulations in Schleswig, which are characterized as "an administrative campaign against the German language and nationality," are the same, unaltered, as introduced by the said Ministry, and especially by that man whom the Austrian Government recommended to His Majesty as offering a sufficient personal "guarantee" for a just treatment of the German nationality. Those regulations were approved by him after a conscientious investigation, and, by being embodied in the Provincial Charter of Schleswig, made a part of the Constitution.

Of all those measures which the Imperial Government denounces as unjustifiable, merely because it supposes them to have been carried out by the present Ministry, there remains only one for which this Ministry is really answerable, namely, the Constitution of October 2, 1855; but it is a mistake when the Imperial Government believes to have pointed out a difference of opinion with reference to this act, between the Ministry of that period and the one that preceded it, for the latter has not, as the Austrian Memorandum supposes, pronounced against "a Constitution of the sort that was afterwards proclaimed," but only against "any real Constitutional charter based on modern principles." That the authors of the Charter of October 2, 1855, have not neglected that regard for the Germanic Confederation and its Federal legislation which occasioned the expression quoted, it evidenced by the stipulations it contains as to a normal Budget; the exclusive initiative of the Crown; the complete authority exercised by the Government as to the

final form in which legislative bills are to be presented; as also by a quota of the Representatives being nominated by the Crown, and other stipulations of the Electoral Law. If a further proof is required that there really existed no such difference of opinion between the former and later Ministries as to the character of the October Constitution, I may add that the Minister of Foreign Affairs, our President of the Council of the Ministry in question, who may be regarded as the proper interpreter of its sentiments, expressly stated in the Rigsraad that whatever opinion he might entertain on special points of the Charter, he, nevertheless, rejoiced at its promulgation, and also at the fact of "our future having been secured by measures and acts which, in a legal manner, had been approved and confirmed."

The present Ministry, therefore, does not consider itself more strongly influenced by a proper national spirit than its predecessors had been; and I hope that the Imperial Government will find in the explanations reason for not denying us that "good faith" which is the indispensable condition for every practical negotiation, and that it will, besides, uninfluenced by prejudice, examine the statement I am about to make of the negotiations of 1851 and 1852, in order to show that the Danish Government has not only acted in "good faith," but also in complete accordance with those negotiations.

The diplomatic correspondence which took place in 1851 was certainly of a very peculiar nature. Its primary object was to put an end to the Federal Execution in Holstein. As this Execution had taken place on the demand of the King of Denmark, in order to reinstate him in his sovereign power, its continuance, contrary to his will and wish, would have been in the most direct contradiction to the Federal legislation. Though the German Powers, therefore, had no right to make the evacuation of Holstein dependent on any ulterior declaration of the King's Government, there existed, nevertheless, moral reasons which made it appear to them highly desirable that such a declaration should precede the concluding act of a series of events in which Germany had taken part. The correspondence relating to this matter has thereby acquired a very peculiar character. The Danish Government, on the one side, would not be justified in maintaining that it had in nowise bound itself by its communications to the two German Powers, nor would these, on the other side, be justified in deriving international claims from these communications as if they had had the character of a Treaty. Between the two extremes there is a middle way, which also has been indicated as clearly as possible in the mutual communications. The Danish Government begins the negotiations with the declaration that other "legal guarantees cannot be demanded or be conceded by us, without trenching on the sovereign rights of His Majesty;" that it will, however, "in a near future, as it is hoped, be possible to strengthen the moral guarantees that serve as a foundation for the internal and external peace;" and it concludes the negotiations by communicating, not binding international engagements, but "intentions," and by communicating them, not in consequence of any obligation on its part, but "voluntarily;" not officially, but "confidentially." And the German Courts reply (*vide* Austrian despatch of December 26, 1851), "The sovereign rights of His Majesty the King are sacred to us; they would not, however, as we are firmly convinced, suffer the least detriment by the King being called upon to make explanations to his fellow confederates, explanations for which, under existing circumstances, it would be impossible to take as a substitute a mere appeal to his sovereign rights, the Federal law, and the confidence to which his Government is entitled." In order to illustrate, by a practical example, what would be the character of such a notification as was desired, the Austrian despatch refers to an occurrence of the past: "The declarations made by the Danish Government on September 7, 1846, was voluntary; it was made in order to remove apprehensions created by the Letters Patent of King Christian VIII, and in the same spirit was accepted by the Federal Diet in the Resolution passed on the subject. Neither the Courts of Austria and Prussia nor the Federal Diet have claimed for this declaration the character of a reciprocal Treaty stipulation, which, in fact, it did not possess; nor have they refused to take into due account the change of circumstances that intervened. On the Danish side, however, it will certainly not be pretended that the King could, on the strength of his sovereign authority, immediately after making that declaration, have acted in contravention of what it stated, without furnishing the Federal Diet with any other explanation than that his sovereign rights were not further limited than the competency of the Confederation reached. If this could not take place at that time without want of respect for the Confederation, the same considerations, no doubt, also prevail in the present instance."

It is under the impresssion conveyed by these clear and definite expressions that the so-called Agreements of 1851 must be considered. Consequently, it cannot be doubted that the Danish Government is, to a certain degree, under a moral restraint as to its actions, and is specially called upon to endeavour, as far as possible, to bring about a

conformity between its own views and those of its German allies; but there can assuredly be no question whatever about any international obligations or international right.

The Danish Government confiding in these assurances, was induced to express its "intentions" in a more definite manner than had hitherto been done. In order, however, to avoid the character of an international act, it chose a form which, on the part of the German Courts, was declared to be satisfactory (*vide* Prussian despatch of January 13, 1852), namely, that of a Proclamation addressed to the Danish people, in which the fundamental principles of the proposed new organization of the Monarchy in its totality were laid down. From this circumstance it follows that the right of the German Courts to appeal to the contents of that document is essentially restricted. Only those parts of the Proclamation of January 28, 1852, which had reference to the wishes expressed in behalf of Germany in previous correspondence might be said to have been invested with the same character that belonged to the negotiations themselves. But all the rest of the Proclamation does, on the contrary, not concern Germany at all, and that without regard to which part of the Monarchy it may relate. This general observation is applicable to the language-regulations in Schleswig. The Germanic Confederation can no more claim a right to interfere with a point of the internal administration of Schleswig, simply because this happens to be mentioned in the Proclamation, though not alluded to by a single word in the correspondence, than it can claim a right to interfere with the observance of the Fundamental Law of Denmark Proper, because this law is mentioned in the Proclamation. It has been remarked already that the now existing language-regulations were in full operation at the time the correspondence in question took place, having already, in the year 1850, been put in force by the Royal Commissioner for Schleswig. The Royal promise in the Proclamation that equal protection should be accorded to both nationalities in the Duchies had, therefore, evidently reference to the existing order of things, and was intended to secure its preservation; and the silence preserved at the time by Germany can only be interpreted as an acknowledgment of the sufficiency of these regulations. The correspondence contains, besides, an express recognition of the validity of the existing arrangements; for it was declared, in the Danish despatch of December 6, 1851, "that it was also His Majesty's will that none of the laws promulgated since the conclusion of the peace, either directly or by His Majesty, or through the organ of the extraordinary Government Commissioner, should be submitted to the Provincial Estates, unless, indeed, His Majesty should especially ordain otherwise with regard to any particular measures." To this the Austrian despatch of December 26 replied, that His Majesty's intentions had, no doubt, equally in view the maintenance of the Royal authority and the means of tranquillizing the excitement of the people, and it was not intended to interfere with his decision as to whether, or to what extent, the laws that had been promulgated since the conclusion of the Peace should be submitted to the consideration of the Provincial Estates.

The actual result of the negotiations, as evidenced by the correspondence taken in connection with the Royal Proclamation, is the following:—

The state of things at the time was such, that the King was in possession of Schleswig, and that the former institution of the Estates, both in point of fact and of law, had ceased to exist, since the Estates of Schleswig had quite illegally united with those of Holstein to form a so-called Diet ("Landesversammlung"), with the purpose of separating the Duchy from the Monarchy. Experience has thus sufficiently shown to what results the autonomy hitherto accorded to Schleswig could lead, and the Fundamental Law of the kingdom properly so-called, of June 1849, had, therefore, in its introductory paragraph, expressly declared that "all that concerned Schleswig was reserved," intending thereby that the Fundamental Law should, as soon as practicable, be extended to that province, and thus carry out that incorporation which, in principle, had been proclaimed in 1720, but then only had been partially executed, and afterwards quite abandoned.

The Government could therefore, both practically and legally, undertake the incorporation of Schleswig, and has declared its will, and even in a measure engaged itself to do so. It was this step which the German Powers feared, and for the prevention of which they availed themselves of their occupation of Holstein. Therefore, the great concession made by the Danish Government, with a view to bring the dispute with Germany to a final settlement, was the following:—

The King declared "that there should be no incorporation of the Duchy of Schleswig with the kingdom," but that he "would for the present govern not only the Duchy of Holstein but also the Duchy of Schleswig as absolute Sovereign, with the co-operation of consultative Provincial Estates, which resolution, as far as Schleswig was concerned, was aken by him in virtue of his free sovereign authority alone." (Despatch of December 6, 1851, Annex 2).

The German Courts considered this point to be one of such importance "that they desired additional assurances on the subject." We have repeatedly already found occasion to protest against the intention formerly announced by the Danish Goverment of only convoking anew the Provincial Estates for the purpose of definitively dissolving them, and of transforming the fundamental law of Denmark Proper into the constitutional law of the entire Monarchy, and we must expressly guard against the possibility of the present programme being interpreted as if it contained this same intention. We consider the maintenance of independent administrative and constitutional institutions in the different territories, without detriment to the centralization of the management of the common affairs, to be an indispensable condition for the consolidation of the internal peace of the Monarchy. (Austrian despatch, December 26, 1851.)

The Danish Government now declared "this view to be in conformity with its own," and made it the basis of the Proclamation of January 28, 1852, and thus the Danish Government made the important concession: not to incorporate Schleswig, but to revive the institution of the Estates, and to submit the provincial affairs of the two Duchies to the action of their Provincial Estates, which, besides, from having been consultative were made deliberative.

Such a concession could not but affect essentially the general constitution of the Monarchy, and the new basis, on which the Danish Government hopes to be able to construct the edifice of the State, was that of a political community with a common representative organ for all parts of the Monarchy, including Holstein and Lauenburg.

Though it might be fully demonstrated that in carrying out this intention the King was in nowise under any Federal restraint, "it was, nevertheless, a matter of importance to him to be assured beforehand that the decisions which His Majesty under certain events might be disposed to take, would not only meet the approval of the allied Powers, and especially of the Courts of Vienna and Berlin, but also that their execution would encounter no hindrance from any quarter." (Despatch, December 6, 1851.)

With reference to this, therefore, it was communicated to the German Courts, that "the King had the intention to establish an organic and homogeneous connection of all the territories so as to form a collective Monarchy," and it was circumstantially stated what affairs were to be in common for the whole Monarchy, and to be submitted to the common Representative Assembly (Annex 2).

The answer of Austria and Prussia was, "that the Imperial Court could only regard this expression of the will of the King as having for object the accomplishment of an unavoidable task" (Austrian despatch, December 26, 1851); and the German Powers acknowledge, "that in consequence of the recognized principle of the integrity of the collective Danish Monarchy, a representation of all its parts in a Legislative Assembly, appointed to discuss and decide the common interests, would not be incompatible with the separate rights of the German Duchies of Holstein and Lauenburg." (Prussian despatch of December 30, 1851.)

Germany had thus, on its part, contracted the obligation, not to place any obstacles in the way of Holstein and Lauenburg participating in such a common Constitution; in this respect there are, however, two circumstances to be noted. First, it is not Germany that has obtained a right to claim that such a Constitution should be established, but Denmark has acquired the right to include Holstein in the proposed common organization without hindrance on the part of Germany; and secondly, there is of course not one word said in the whole negotiation about this matter of any consent on the part of Germany being required for the union of Schleswig with the Kingdom in one common Constitution.

Afterwards, two principal points have been made the object of attack, and require, therefore, to be specially considered; namely, first the manner in which the common Constitution has been established, without having been previously submitted to the separate Representative Assemblies; and secondly, the principle adopted for the representation. In respect to these two points are only allusions to be found in the despatches, but these allusions, and the silence otherwise observed on the subject, are sufficient for our purpose.

In the Danish despatch of December 6, 1851, Annex 2, it is stated that the Royal Government intends to establish, in a lawful and constitutional manner, that is to say, through the consultative Provincial Estates of the two Duchies, by resolutions of the Diet for the Kingdom, and, as far as Lauenburg is concerned, by the co-operation of the Equestrian Order and Estates, an organic and homogeneous constitutional union of all the territories, so as to form a collective Monarchy. Thereby was no doubt promised, that a common Constitution should be established, with the assistance of the separate representative bodies; but what was to be the immediate object of their resolutions and advice, and to what extent the matter should be submitted to them, was left entirely undecided.

Nor have the measures which the Royal Government thereby had reserved to itself to take in this matter been discovered in detail in the despatches of the German Courts, for these confine themselves to an exact repetition of the words used in the Danish despatch. Finally, the Proclamation of January 28, 1852, clearly shows, by its wording, that the definitive resolution on this matter had been entirely left to the Royal Government. In the part where it treats of the separate charters, it is plainly stated, "there can be no doubt as to our firm will to maintain unbroken the fundamental law of Denmark Proper, and we will also grant, in a constitutional manner, to the Provincial Estates of our Duchy, as well as to those of our Duchy of Holstein, such a development that each of the aforesaid Duchies, in respect to those of its affairs which formerly belonged to the competency of the consultative Provincial Estates, shall obtain a Representative Assembly with a deliberative authority." But in respect to the common Constitution, it is only said that His Majesty will, as soon as possible, take the necessary steps for establishing such a Constitution.

There can, consequently, be no doubt that the Royal Government has not said anything that could be understood as some sort of a promise to submit a common Constitution to the separate representative bodies; nor have the German Powers understood the statements of the Government as containing such a promise. When the Royal Government afterwards, in accordance with the liberty of decision it had reserved to itself, submitted to the separate Representative Assemblies only the alterations which the establishment of the common Constitution required in the separate Charters, the reason for so doing was partly the practical consideration that to act otherwise would necessarily have delayed or hindered, in an extraordinary degree, the establishment of the Constitution; and partly, also, a consideration of the unfavourable position in which the Estates of Holstein and Schleswig would have been placed, possessed, as they were, only of a consultative authority, whilst the Danish Parliament exercised the right of a deliberative vote. That Germany fully acknowledged the right of the Government to take this course, as also the equity which had prompted it, may, I think, be gathered from the silence observed by Germany at the time, when the different steps in this matter were taken by the Royal Government.

As to the principle of representation, nothing whatever definite was said or indicated in the despatches, but this very silence proves sufficiently that there cannot have been, on any side, the remotest idea that that principle should be any other than the natural one; namely, according to the ratio of population and taxation. Assuredly no one will deny that the adoption of a principle of representation according to which the Lauenburg population of 50,000, and the Holstein one of 500,000, should each by itself have as large a number of representatives in the common Assembly as the 1,500,000 inhabitants of the kingdom, would be something so abnormal (to use a mild expression) that it at least required to be expressly stated if it were to be believed that such really had been intended.

So far from that being the case, it is only said that the union should be "organic and homogeneous." This latter stipulation the Royal Government believes to have fully complied with, by adopting one and the same principle of representation for all the territories. It is, indeed, attempted to give the term "homogeneous" a different signification, by connecting it directly with another sentence: "in which no part shall be subordinate to or incorporated with another." But, it must be observed, that no such combination is found either in the despatches of 1851 and 1852, or in the Royal Proclamation of January 28, 1852. The Austrian despatch of December 26, 1851, contains, it is true, the phrase in question, but at another place and in another connexion, namely, where a satisfaction is expressed at the King's intention to assume himself the government of the State until a definite organization of the Monarchy had taken place. It is of course inadmissible to deduce from a sentence occurring in such a manner an essential modification of what otherwise would be the natural meaning of the term. We acknowledge, also, with pleasure, that the Imperial Cabinet has not intended, in its present Memorandum, to ascribe to the passage in question any other signification than that which really belongs to it.

There is nothing, therefore, in the despatches to support the adoption of so unnatural a principle of representation, which, besides, could scarcely be said to harmonize with the idea of a "well-ordered whole," or of "one Legislative Assembly;" nor could any one possibly imagine in the years 1851 and 1852 that such a state of things would secure the peace and the future prosperity of the Monarchy.

The real substance of the negotiations of 1851 and 1852 is, therefore, this:—On the one side, the Danish Government resuscitated the Estates both of Schleswig and Holstein, and thereby made the future management of the provincial affairs dependent on the co-operation of these Estates, which were hereafter to possess a deliberative authority.

On the other side, Germany undertook the obligation to evacuate Holstein, and not to oppose the inclusion of Holstein and Lauenburg in a common Constitution with the rest of the Monarchy.

There is, however, one point which must be specially noticed—the dissolution of the former administrative connection between Schleswig and Holstein,—as this on the part of Germany is represented as a concession made to us, and which, under certain circumstances, Germany would even be justified in retracting. The expressions used in the negotiations do not allow of any doubt as to the totally unfounded character of such an assertion. It was demonstrated in the Danish despatch of December 6, 1851, that no particular state of things could possibly be said to have been founded, or reciprocally acknowledged as legally existing, either by the Resolution of the Federal Diet of September 17, 1846, or by the previous declaration of the Danish Plenipotentiary; nor could it be asserted that any competency on the part of the Confederation in the affairs of the Duchy of Schleswig had been reserved by the said Resolution, or acknowledged by the previous Danish declaration. The King, therefore, declared it to be his resolution "that the special administrative connection between the two Duchies, as it had existed, principally since 1834, being now, in fact, abolished, should henceforth and for ever continue to be abolished." The Austrian Government declared, in reference to this, that the Diet had, in the Resolution in question, admitted that the declaration made by the Danish Plenipotentiary was only to be regarded as a voluntary one. It is thus stated, "that neither the Courts of Austria and Prussia, nor the Diet, have claimed for this transaction the character of a reciprocally binding Treaty engagement, which, in fact, it did not possess." And in the Annex this point is definitively settled. The Austrian Court acknowledges thus, on its part, "that the before-mentioned declaration of September 17, 1846, was based upon the state of things then existing, and was not coupled with the legal effect of making dependent on the assent of the Confederation the Resolution which altered circumstances might induce the King, in virtue of his sovereign authority, to take respecting the aforesaid connection, inasmuch as such resolutions did not concern the German Confederation."

The annex of the Prussian despatch of December 30, 1851, declares also, "the affairs of the Duchy of Schleswig, being those of a non-German country, are, as such, not subjected to the investigation and discussion of the Germanic Confederation. Only in so far as the German Duchy of Holstein may have claims to the preservation of existing public institutions common for the two Duchies, are these claims subject to an understanding between the Powers representing the Germanic Confederation and the Crown of Denmark:" and, "on the part of Austria and Prussia, it is acknowledged that Holstein does not possess any claims to a community and unity of the public institutions of the two Duchies, beyond what has already been satisfied by the maintenance of certain common non-political institutions (Equestrian Order, University, Prisons).

From these quotations it follows that the abolition of the former administrative connection was no concession, still less a concession coupled with conditions on the part of the Germanic Confederation. It is, on the contrary, acknowledged that this whole matter did not come under the competency of the Germanic Confederation; that it was dependent alone on the sovereign rights of the King; and that it needed no approval from the Confederation. In the cited passage from the annex to the Prussian despatch the legal point is given with all possible precision. The general principle is first enunciated that the Confederation had nothing to do with Schleswig. Then follows the reservation that, in so far as certain relations had existed in common between the two Duchies, the Confederation had a right to investigate whether this state of things was founded in law. Finally, and as the result of this investigation, it was acknowledged that the Duchy of Holstein had no legally-founded right to the connection in question.

Comparing the results of this examination of the negotiations of 1851 and 1852 with the heads under which the German Powers sum up their final claims, we draw the following conclusions:—

1. The common Constitution has, in close conformity with the intentions communicated to the two Powers in 1851 and 1852, been proclaimed equally for all parts of the Monarchy by virtue of the King's sovereign authority. The secession of Holstein and Lauenburg from this Constitutional union is the result of a Decree of the Germanic Confederation, enforced by a threat of Execution, and has taken place contrary to the will of the Danish Government. This secession can, at any rate, have no influence on the legality of the Constitution for those territories that are neither directly nor indirectly subjected to the authority of the Confederation.

2. There can now only so far be question of a new Constitutional arrangement, as the Danish Government has declared itself ready, in conformity with the Federal Decrees of March 8, 1860, and February 7, 1861, and under the necessary reservation, to give to the

Estates of Holstein a legislative and financial authority in common affairs by the side of and in conjunction with the existing Rigsraad for the other parts of the Monarchy that do not belong to the Germanic Confederation.

3. The internal relations of the Duchy of Schleswig, including the language-regulations, which were not at all mentioned in the negotiations of 1851 and 1852, cannot be subjects of investigation or discussion on the part of the Germanic Confederation.

No. 308.

Lord A. Loftus to Earl Russell.—(*Received November* 20.)

My Lord, *Berlin, November* 17, 1862.

I INQUIRED yesterday of M. de Bismarck if it were true that remonstrances had been, or were about to be, addressed by the Austrian and Prussian Cabinets to the Danish Government with reference to certain financial measures said to be projected by the Government of Denmark for the Duchies of Holstein and Lauenburg.

M. de Bismarck replied, that having read in the newspapers that the Danish Government were about to issue ordinances for the levying of taxation in Holstein without the previous consent of the States of Holstein, he had directed the Prussian Minister at Copenhagen to inquire of the Danish Minister for Foreign Affairs whether these reports were founded.

M. Hall replied evasively, but admitted that there was a certain foundation for the rumours in question, although not entirely in the sense reported by the press.

A similar answer having been given to the Austrian Minister at Copenhagen, Count Rechberg appealed to the Prussian Cabinet, inviting them to take steps collectively, with a view to dissuade the Danish Government from entering on a course which was in violation of the laws of the Germanic Confederation, and of the engagements taken by Denmark towards the German Powers. At the same time a similar appeal was made from here to the Austrian Cabinet. The two Cabinets having accordingly concerted and agreed together, M. de Bismarck informed me that on the 14th instant he forwarded an instruction by telegraph to M. de Balan, desiring him to represent to M. Hall the serious difficulties which would arise if any financial measures of the nature indicated were to be decreed by the Danish Government without the previous consent of the State of Holstein, adding that such a course would inevitably necessitate a Federal Execution. A telegraphic instruction, analogous, if not identic, with the foregoing was likewise addressed by Count Rechberg to the Austrian Minister at Copenhagen.

I expressed a hope to M. de Bismarck that under present circumstances, and whilst the Danish Government were taking into consideration your Lordship's proposals, nothing would be done by the German Powers which could bear the character of a menace or render the task of M. Hall more difficult than it was. I recommended patience and forbearance, setting forth the difficult position in which the Danish Cabinet was placed as regarded the public opinion of Denmark, and the obstacles they had to encounter, obstacles which could alone be removed by time, and by a patient and conciliatory attitude on the part of Germany.

M. de Bismarck assured me that the representation of which he had spoken was of the most conciliatory nature, and that the instruction itself bore more the character of friendly and timely advice than of a formal demand. He was very anxious for the settlement of this complicated question in an amicable manner, and had therefore hailed your Lordship's propositions with the greatest satisfaction.

He did not wish for any violent measures, but if the Danish Government were at this moment openly to fly in the face of the Diet by publishing Decrees in violation of their engagements, the Diet could not allow itself to be thus stultified, and would be forcibly obliged to order an Execution. The object, therefore, of the two German Powers in sending to their respective Ministers at Copenhagen the instructions referred to, was solely to prevent the publication of Ordinances which, far from tending to solve the present differences between Germany and Denmark, would only augment the difficulties of their solution.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 309.

Earl Russell to Mr Paget.

Sir, *Foreign Office, November* 20, 1862.

SINCE my conversation with M. de Bille related in my despatch of the 11th ultimo, that Minister has placed in my hands the copy of a despatch addressed to him by M. Hall of the date of the 15th ultimo.

I am sorry to see, by that despatch (of which I inclose a copy*), that the Danish Government show a strong repugnance to the adoption of the counsels given them by Her Majesty's Government. I am persuaded that the Danish Government have not sufficiently reflected on the evils of their present position, and have exaggerated to themselves the consequences which they think would follow their consent to the plan of arrangement sketched out by Her Majesty's Government. Her Majesty's Government, therefore, are desirous, with a view to the maintenance of the Danish Monarchy, and not to its dismemberment or its subversion, to point out more fully the obligations of the King of Denmark and the means of fulfilling them.

It will not be denied that the King of Denmark holds the Duchy of Holstein as Duke of Holstein, and Lauenburg as Duke of Lauenburg, and that in both capacities he is a member of the German Confederation, bound by its laws, and amenable to the authorities constituted by the Federal Act.

Neither can it be denied that, as Duke of Schleswig, the King of Denmark is bound to Austria and Prussia, and to the German Confederation collectively, as sovereign States of Europe, by certain promises made in 1851, and which (as M. Hall reminds me) I have always stated His Danish Majesty is bound in honour to fulfil.

Such being the position, and such the obligations of the King of Denmark, I feel sure that M. Hall will agree with me when I say that no argument *ab inconvenienti* can be allowed to prevail against these positive stipulations and honourable engagements. It will not be enough to say that, by the arrangement which has been proposed, the march of the Danish Government will be retarded; and that it is difficult to obtain the sanction of Holstein to measures which the Danish Ministers think expedient: considerations of this kind must yield to the demands of justice, and to the good faith due from a Prince towards those with whom he has contracted engagements.

Taking, then, these obligations in this order, I must remind M. Hall that Her Majesty's Government have always declined to give an opinion upon matters belonging to the competence of the German Confederation. Speaking very generally, Her Majesty's Government see nothing unreasonable in a demand that no taxes should be imposed, and no laws should be binding, on Holstein which have not obtained the consent of the people of that Duchy, represented in the States thereof.

But, on the other hand, when M. Hall declares that the Danish Government are ready to accede to the demands of the Diet in regard to Holstein, "whatever dangers to the integrity of the Monarchy that concession may involve, if this eventual position of Holstein can be defined in such a manner that the rest of the Monarchy should not be reduced to a constant dependence on Germany, and if by this sacrifice our relations with the Confederation might be re-established on a permanent basis," the principle thus stated has the cordial assent and approbation of Her Majesty's Government.

Before I go further, I must ask you to state to M. Hall that it is with great satisfaction I find that, as regards Holstein and Lauenburg, no difference of principle will prevent the adoption of the views set forth in my despatch of the 24th of September. The differences, if any, will rather be on questions of detail.

We come, next, to the question of Schleswig, the real obstacle to a final and solid arrangement.

Upon this subject, also, there is little difference between Her Majesty's Government and the Government of Denmark as to general principles. M. Hall does not disavow the two principal Articles of the Declarations made by the King of Denmark, by which, in substance, he assured his people of the Duchy of Schleswig that that Duchy should not be incorporated with Denmark, and that his Schleswig subjects of German origin should be placed on an equality with those of Danish origin. M. Hall, I say, does not deny either the existence or the validity of these promises, but he maintains that they have been fulfilled.

M. Hall's words are:—"The intentions which, with respect to this Duchy (namely, Schleswig), the King had spontaneously expressed at the time the engagement of honour, to use the term employed by Lord Russell, which the King had taken, were immediately and conscientiously fulfilled by him."

* No. 294.

The question is thus converted into one of fact. The Cabinet of Berlin and the Germans generally have maintained that these engagements have not been fulfilled.

Some time ago a British Agent, acquainted with the country and with the language, was sent into Schleswig to ascertain on which side the truth lay.

His report, which was very detailed and appeared very trustworthy, was to the effect that the inhabitants of Schleswig did not wish to change masters, that they were loyal to the Crown of Denmark, but that in many places the German inhabitants complained that they were obliged to attend church service in Danish, to send their children to schools where the teaching is in Danish, and that before their children could receive the rite of confirmation they are obliged to undergo an examination in the Danish language.

When I reported these complaints, the Danish Government replied that the parents might employ private tutors, and that their children might receive the rite of confirmation in German, although the examination must be in Danish. These replies appeared to Her Majesty's Government to be insufficient and illusory.

Among other instances, I reported, from information I had received, that the inhabitants of Schleswig were not allowed to sign more than three names to one petition; and that the liberty of the press, which exists to the fullest extent in Denmark, is not allowed in Schleswig. When these restrictions were mentioned to the Danish Minister in London, he did not deny the truth of these allegations, but justified them by urging the necessity of counteracting German aggressive agitation.

It has been my duty repeatedly to advise the Danish Government to remedy the grievances of Schleswig, to fulfil completely all the promises of the King on this matter, and thus to take away all pretext for German intervention.

In these representations Her Majesty's Government have acted in concert with the Governments of France and Russia; but these three powerful and friendly Governments have seen their advice neglected, and the oppressions and inequalities complained of but little abated. It has become necessary, therefore, to consider and to select some other course.

Such being the case, there are various courses to pursue :—

1. To allow the present state of uneasiness and danger to continue till it ends in some violent explosion.

2. To adopt a common Constitution in which the German element would have more weight than mere numbers would give it.

3. To divide Schleswig into two parts, of which one to be German, and closely connected with Holstein; aud the other to be Danish, and to be incorporated with Denmark.

4. To adopt a plan framed upon the basis which I have suggested.

The last of these courses appears to Her Majesty's Government the most favourable to the integrity and independence of Denmark, and therefore most in accordance with the Treaty of London.

M. Hall does Her Majesty's Government justice when he says that he does not believe I intend to renounce, or put myself in contradiction with, the sentiments of sympathy and sincere interest which I have always expressed for Denmark.

Her Majesty's Government, however, are bound to weigh the position of Denmark, uninfluenced by those passions which in the course of a long controversy may have gained an ascendancy among all parties in the controversy. Nor does Her Majesty's Government stand alone in its view of these matters, for Russia partakes the views of Great Britain, and France thinks them deserving of the gravest consideration. Her Majesty's Government can only, therefore, express a hope that the voice of impartial friends may be listened to, even amidst the storms of controversy; and that this long and bitter dispute may at last be terminated in such a manner as may be consistent with the honour and conducive to the interests of all parties concerned.

Her Majesty's Government trust that the cessation of this long strife may increase the stability and strengthen the independence of Denmark.

I request you to read and give a copy of this despatch to M. Hall.

I am, &c.

(Signed) RUSSELL.

No. 310.

Mr. Ward to Earl Russell.—(Received November 24.)

(Extract.) *Hamburgh, November 21, 1862.*

THE substance of the recommendations for the adjustment of the Danish question contained in your Lordship's despatch to Copenhagen of the 24th of September last, and

communicated to Vienna and Berlin on the same date, having for several weeks past been known in Germany, and the despatch itself having more recently been published at length in the "Grenzboten," I think it my duty to report to your Lordship that those recommendations appear to have given great satisfaction in the Duchies of Schleswig and Holstein; and that the feeling there, as well as throughout Germany, seems to be that a most favourable opportunity for settling these long-pending differences would now present itself, it it were not for the extreme pertinacity of the Danish Government, and of the ultra-Danish party at Copenhagen by which it is backed. The answers which were transmitted to London by the Cabinets of Berlin and Vienna, on the 27th and 29th of October last respectively, have also become known here, and have been praised for the judicious manner in which those Cabinets have signified their general acquiesence in your Lordship's views.

No. 311.

Earl Russell to Mr. Paget.

Sir, *Foreign Office, November* 26, 1862.

UPON examining the Danish despatches to Austria and Prussia on the Schleswig-Holstein question,* it appears to Her Majesty's Government that the plan proposed is far less advantageous to Denmark than that of which the outline was given in my despatch of the 24th of September.

The Government of Denmark ought to derive valuable assistance from Holstein for the naval and military defence of the Danish monarchy. But, under the proposed Danish conditions, it is not likely that any considerable snpplies will be obtained from Holstein for that purpose. Such a plan may suit the views of those who wish to govern the Kingdom of Denmark Proper, and the Duchy of Schleswig, without the infusion of any German influence, but it must enfeeble and impair the Danish monarchy as a whole.

I am, &c.

(Signed) RUSSELL.

No. 312.

Mr. Paget to Earl Russell.—(Received November 28.)

My Lord, *Copenhagen, November* 25, 1862.

I HAD the honour to receive on Sunday morning the 23rd instant your Lordship's despatch of the 20th instant, and I yesterday, in compliance with your instructions, read it to M. Hall and gave him a copy of it.

Before doing so I said his Excellency would observe there were some points on which there was agreement between Her Majesty's Government and the Danish Government, and with the exercise of no very great amount of goodwill on the part of the latter, a complete understanding might be established.

I observed, moreover, that the despatch I was about to read would afford abundant proof, if such indeed could really be wanting, that the counsels given by Her Majesty's Government were dictated solely by the desire of serving the true interests of the Danish Monarchy.

M. Hall, when I had finished reading the despatch, said he could not but acknowledge this, but that as it was a reply to his despatch to M. Bille, he was struck by the absence of any notice on the part of your Lordship of the liberal measures for Schleswig therein referred to as being intended by the Danish Government.

His Excellency spoke of these measures as being calculated to remedy the evils complained of in Schleswig. The intended Constitution, he said, would be of the most liberal kind, the new electoral law would ensure a true representation of the interests of the Duchy, and the Schleswig Diet would not only be confirmed in its present prerogatives, but be endowed with more extensive rights and privileges.

I replied that it appeared from your Lordship's despatch that the mere remedying the evils complained of in Schleswig would not now be sufficient to get the Danish Government out of the difficult position in which they stood, however efficacious such measures might have been when originally suggested by Her Majesty's Government.

Something more, in the opinion of Her Majesty's Government, was now required and I referred his Excellency to the courses mentioned in your Lordship's despatch, the

* No. 307 and Inclosure.

adoption of one of which appeared to Her Majesty's Government to offer the only chance of a solution of the question.

M. Hall then passed the four alternatives rapidly in review.

He merely touched upon the first to say that although perhaps the easiest to follow, the danger of doing so would be too great.

His repugnance to the second appeared to me less marked than to the last two. He did not seem to be opposed to the principle of a common Constitution on the basis indicated; but he said that after the manner in which the Holstein States had expressed themselves on the last project submitted to them, he did not see what advantage was likely to be gained by making them a fresh proposal. He said they had clearly stated that not only would they not accept the offer the Danish Government then made to them, but that they would agree to no common Constitution whatever.

I replied that the line adopted by the Holstein States on the occasion referred to, had been, perhaps, to a certain extent encouraged by the attitude of the Danish Government. Certainly this had not been calculated to inspire confidence. The meagre outline of two Chambers, one of which, selected by the King, could hardly be considered as a serious effort towards an understanding. There was no indication, I said, of how the selection of His Majesty would be exercised, nor any other information given to show that the interests of Holstein would be properly secured. It was not clear to me, I said, that if a complete and detailed project of Constitution, drawn up with a due regard to the interests of the Duchy, was submitted to the States of Holstein, one was justified in saying beforehand that it would be assuredly rejected.

M. Hall said that as the States of Holstein had summarily thrown out, *ab initio*, the project submitted to them, there had been no opportunity of giving them information as to its details; and from the fact of their having declared that no other project whatever for a common Constitution could be agreed to by them, the King could not with a due regard to his dignity, make to them a fresh proposal. His Excellency added, however, that the States would have a full opportunity of expressing their views both in respect of the Budget and of the laws respecting common affairs at their next meeting, which would certainly be this winter; and if there were any indications of a desire on their part to re-enter the community, the way would not be made difficult for them to do so.

With regard to the third course proposed by your Lordship, M. Hall observed that the despatch was silent as to the means by which, if it was adopted, the affairs common to the two States,—for two States would thus be created, Schleswig-Holstein and Schleswig-Denmark,—were to be treated. Were there to be no affairs in common? he inquired; or were they to be entirely distinct Kingdoms, with only the union of the Crown? Such an arrangement, however, he continued, as the one in question could never be entertained for one moment. It would lead to the following result:—Schleswig-Holstein would be incorporated with Prussia, and what remained of the Monarchy would go to Sweden.

M. Hall's objection to the fourth course, namely, the adoption of the proposals of the 24th September, remain unchanged.

From this and other conversations I have recently had with M. Hall, I believe I may resume the intentions of the Danish Government as follows:—

To convoke the Holstein States and to submit to them their quota of the common Budget for the present financial period, as well as other laws of common interest. If the credits are refused and the laws rejected. a complete separation of Holstein from the rest of the Monarchy, save and except the union of the Crown, will be the probable result.

The States of Schleswig will also be assembled, and a project of a Constitution by which the liberty of the press, right of meeting, &c., will be guaranteed, will be offered to their consideration and sanction. This will be accompanied by a proposal for a new Electoral Law, on the acceptance of which will, I believe, be made to depend the ultimate promulgation, as the law of the land, of the new Constitution with its attendant reforms and advantages.

I have only to add in conclusion, that when M. Hall has spoken to me of what were the intentions of the Government, I have stated that I thought it would be much better if intentions were converted into facts; that I could not help thinking that procrastination had been one of the worst enemies of the Danish Government, and that consequently, if they really intended to do anything for Schleswig, the sooner they set about it the better.

I have recalled to his Excellency's recollection the advice which, in compliance with your Lordship's instructions, I had so repeatedly urged upon him, and particularly

in the year 1860, the frank and loyal adoption of which at that time would undoubtedly have placed the Danish Government in a far better position than they now hold, if not entirely beyond the reach of their adversaries.

M. Hall, as may be supposed, contests the justice of my reflections. He says everything cannot be done at once; that it would have been premature to have taken any decisive measures during the negotiations with Austria and Prussia, but that these measures will now be adopted as soon as practicable.

I have, &c.
(Signed) A. PAGET.

No. 313.

Lord Bloomfield to Earl Russell.—(*Received December* 1.)

My Lord, *Vienna, November* 27, 1862.

COUNT RECHBERG has inquired of me if I had heard anything from your Lordship on the Danish question, and whether it was the intention of Her Majesty's Government to take any further steps at Copenhagen with a view to induce the Government to come to some arrangement that will preclude the necessity under which Austria and Prussia will otherwise find themselves of bringing the affair again before the German Diet.

His Excellency hoped Her Majesty's Government would persist in the policy laid down in your Lordship's despatch to Mr. Paget of the month of October; and he had heard indirectly of a conversation which your Lordship had had with Count Bernstorff, that it was your Lordship's intention to submit to the French and Russian Governments a draft of instructions to be communicated to the Danish Minister for Foreign Affairs, in which your Lordship would confirm the opinions laid down in your former despatch.

His Excellency highly approves of such a project, and he added that he believed Prince Gortchakoff would be disposed to make a communication in a similar sense to Copenhagen, but that he doubted the proposition meeting with favour at Paris.

I have, &c.
(Signed) BLOOMFIELD.

No. 314.

Mr. Lowther to Earl Russell.—(*Received December* 1.)

My Lord, *Berlin, November* 29, 1862.

M. DE SYDOW, the Under-Secretary of State for Foreign Affairs, informed me to-day, in answer to an inquiry I made on the subject, that the last communication made by the Danish Government to that of Austria and Prussia was so voluminous, and contained so many points that required serious consideration, that it had been impossible at present to form any opinion of its contents; but that no further steps would be taken in the matter without previous consultation with the Austrian Government.

I hear from another source that the Prussian Government will probably confine themselves to merely acknowledging the receipt of the last Danish communication, as they consider all negotiations with Denmark on the subject of the Duchies at an end for the present, and that they cannot be again renewed without a reference to the Diet.

I have, &c.
(Signed) W. LOWTHER.

No. 315.

Lord Bloomfield to Earl Russell.—(*Received December* 8.)

My Lord, *Vienna, December* 4, 1862.

COUNT RECHBERG mentioned on the occasion of my last interview with his Excellency, that he had received a very satisfactory communication from Copenhagen,

and was in possession of the substance of a despatch which your Lordship has addressed to Mr. Paget, calling the attention of the Danish Government to the necessity of modifying their policy in regard to the affairs of Schleswig and Holstein.

He said that your Lordship's despatch had reached Copenhagen most opportunely, and he hoped, from the impression which he was told had been already made on the Danish Cabinet, that it would produce some beneficial results.

I have, &c.
(Signed) BLOOMFIELD.

No. 316.

Mr. Paget to Earl Russell.—(Received December 15.)

My Lord, *Copenhagen, December 10, 1862.*

IN an interview I had with M. Hall the day before yesterday, his Excellency asked me whether I had received any further instructions from your Lordship relative to the Holstein affairs.

I replied that I was not instructed to make any further communication to his Excellency, but that in a despatch which I had received from your Lordship that day, your Lordship stated that upon examining the Danish despatches to Austria and Prussia, it appeared to Her Majesty's Government that the plan proposed is far less advantageous to Denmark than that of which an outline was given in the proposals of the 24th of September.

Your Lordship observed, I continued, that the Government of Denmark ought to derive valuable assistance from Holstein for the naval and military defence of the Danish Monarchy, but under the proposed Danish conditions it is not likely that any considerable supplies will be obtained from Holstein for that purpose.

M. Hall replied that under present circumstances they could at all events count upon the Normal Budget, whereas, according to your Lordship's system, it was not all sure that even this resource might not be cut off. He thought that if a new Normal Budget had to be fixed by the four Assemblies, it was highly probable that Holstein would withhold any sum whatever for the expenses of the navy.

I have, &c.
(Signed) A. PAGET.

No. 317.

Mr. Paget to Earl Russell.—(Received December 15.)

My Lord, *Copenhagen, December 10, 1862.*

I UNDERSTAND from M. Hall that it is probable the Holstein States will be summoned to assemble in January. A Council is to be held at Jägersprüs at the end of the week for the settlement of this and other matters.

I took the opportunity of again speaking to M. Hall on the expediency of submitting to the States a fresh project for a common Constitution. I said that if a proposal of this nature, really guaranteeing the interests of the Duchy, was brought forward, nothing but good could result from it to the Danish Government. Supposing it to be accepted, there was an end of all controversy; if, on the other hand, it was rejected, the Danish Government would at least obtain the credit of having offered fair terms to their opponents, and of having acted in accordance with the advice of friendly Powers.

M. Hall's reply was to the same effect as that which he made on the last occasion when I spoke to him on the subject, namely, that the States of Holstein were about to occupy a position analogous to that of the Rigsraad, and that, consequently, they would be the guardians of their own interests; that they would have ample opportunity for discussing not only their Budget but all affairs appertaining to the commonwealth, and that if they desired again to form part of a common representation, they might express themselves to this effect.

I have, &c.
(Signed) A. PAGET.

No. 318.

Mr. Paget to Earl Russell.—(Received December 15.)

My Lord, *Copenhagen, December 10, 1862.*

WITH reference to my despatch of November 25, I have the honour to inform your Lordship that I learn from conversation with my Austrian colleague, that M. Hall did not actually deny that a Decree for levying the quota of Holstein for the common expenses had been signed. He avoided committing himself one way or another on the point, but he said that the Danish Government had come to no decision whatever as to how the share of Holstein was to be obtained.

I have, &c.
(Signed) A. PAGET.

No. 319.

Lord Bloomfield to Earl Russell.—(Received December 15.)

My Lord, *Vienna, December 11, 1862.*

THE Prussian Minister made a communication yesterday to the Imperial Government on the Danish question.

Count Rechberg has just informed me that, in substance, it is as follows:

Prussia considers it useless for the German Powers to take any fresh step at Copenhagen, as no new arguments can be advanced on any side, and it therefore becomes the duty of Austria and Prussia to bring the affair again before the Diet at Frankfort, whose intention of ordering a Federal Execution had been suspended in consequence of the desire of Austria and Prussia to renew their efforts at negotiation at Copenhagen. These having failed, it now became their duty to apply to the Diet, and it is proposed to take the four points in your Lordship's despatch to Mr. Paget of the 20th ultimo, as the basis of an arrangement.

As the question of Schleswig, however, occupies so prominent a part in your Lordship's despatch, and as the German Powers cannot pretend to allude to it in similar terms, Prussia suggests that the Diet should pass a Resolution respecting it, in which an approval of your Lordship's communication shall be expressed, and the further goodwill of Her Majesty's Government invoked in promoting a settlement of the question.

Count Rechberg told me that he was satisfied with the Prussian project, and should inform the Cabinet of Berlin of his readiness to act with them in the manner which they have proposed.

I have, &c.
(Signed) BLOOMFIELD.

No 320.

Lord Napier to Earl Russell.—(Received December 22.)

(Extract.) *St. Petersburgh, December 16, 1862.*

WHEN I had the honour of seeing Prince Gortchakoff yesterday forenoon, his Excellency showed me two despatches addressed respectively to the Ministers of Russia at Copenhagen and Stockholm, on the $\frac{30\text{th November}}{12\text{th December}}$ and $\frac{1}{13}$ December, relative to the proposals of Her Majesty's Government for the regulation of the questions at issue between the Danish Government and the Duchies of Schleswig and Holstein.

The despatch addressed by the Vice-Chancellor to Baron Nicolay recognizes the judicious interest which Her Majesty's Government had taken in these questions from the beginning, the duty which devolves on Her Majesty's Government as a former mediator to continue their benevolent counsels, the service rendered by your Lordship to the cause of peace by promoting the direct negotiations between Germany and Denmark last year, and, finally, the value of your Lordship's recent suggestions offered to the Cabinet of Copenhagen.

In his instruction to the Imperial Representative at Stockholm, the Vice-Chancellor offers counsels calculated to moderate the sentiments of the Cabinet of Sweden, and expresses his opinion that the overtures of Her Majesty's Government contain a just basis for negotiation.

No. 321.

Earl Russell to Lord Napier.

My Lord, *Foreign Office, December* 27, 1862.

A DESPATCH which Baron Brunnow has read to me from Prince Gortchakoff to Baron Nicolay at Copenhagen, reminds the Danish Government that, last year, it was owing to the care of the British Government that a way was opened for direct negotiation between Germany and Denmark, and he states that the propositions lately suggested by the British Government to Denmark were conceived in the same spirit of conciliation.

He further states that the Russian Government had recommended those propositions to the Danish Government as being well worthy of consideration, and expresses the hope that M. Hall will not allow any exaggerated apprehension to prevent him from adopting them as a basis of negotiation; and, moreover, that he would consider the position in which Denmark would be placed by a rejection of pacific overtures.

You will thank Prince Gortchakoff for the justice he does to the British Government in this communication.

I am, &c.
(Signed) RUSSELL.

No. 322.

Mr. Paget to Earl Russell.—(*Received December* 29.)

My Lord, *Copenhagen, December* 24, 1862.

THE following Resolutions were moved by certain members of the Landsthing, in the sitting of yesterday evening, but the vote upon them will not be taken until the Assembly meets again after the Christmas holidays.

First, that the common Constitution for the Kingdom and Schleswig, now in legal operation, must be maintained and further developed, as equally necessary as a means of holding together the different portions of the Kingdom, and as protection for the constitutional liberty of the Kingdom.

Secondly, that the execution of the resolution of the Government to regulate the affairs of Holstein in such manner that the King can fulfil his Federal engagements without violating the independence of other portions of the Monarchy, cannot be postponed any longer without danger to the union of different portions of the Monarchy, and to the liberty of the Kingdom.

Thirdly, that the Danish people rejoice at the decision of His Majesty to let his Schleswig subjects share the benefits of free institutions as soon as the affairs of Holstein shall have been finally regulated, but also trust that the King will never recognize any arrangement by which the union between the Kingdom and Schleswig can be weakened; and finally, that the Landsthing is prepared to support not only the present Ministry, but any other, so long as they follow the indicated principles with firmness and energy, as circumstances absolutely require this.

I have, &c.
(Signed) A. PAGET.

No. 323.

Mr. Paget to Earl Russell.—(*Received December* 29.)

My Lord, *Copenhagen, December* 24, 1862.

BARON NICOLAY has had the goodness to show me a despatch from Prince Gortchakoff, dated $\frac{\text{November } 30}{\text{December } 12}$, relative to the recent proposals of Her Majesty's Government to the Government of Denmark.

The despatch begins by stating to Baron Nicolay that he only anticipated the intentions of the Imperial Cabinet when he gave these proposals his support, and proceeds to the following effect: that the Danish Government must be convinced of the unanimous desire of the Great Powers for an equitable settlement of a question so deeply affecting the welfare and interests of Denmark; that Her Majesty's Government, from the prominent part which they took in 1849 in the negotiations respecting

Schleswig, were in a position which particularly entitled them to seek the means for bringing about a solution of the differences; that the plans proposed by Her Majesty's Government appeared to the Imperial Cabinet to offer elements for a fair arrangement; that, consequently, the Danish Government, putting aside apprehensions perhaps exaggerated ("revenant de ses appréciations peut-être exagérées") as to the effect which the measures proposed would be likely to entail as regards the dismemberment of the Monarchy, would do well to take a calm and dispassionate view of them, and endeavour to find in them the means of arriving at an understanding.

Baron Nicolay is instructed, without entering into further discussion on a subject on which the Russian Government consider arguments to be exhausted, to read and give a copy of this despatch to M. Hall; but, if the occasion should present itself, he would receive the approbation of his Government (an approbation which the whole of his conduct during his residence here has acquired for him), if he spoke to M. Hall as well as to other Danish statesmen according to the tenour of this despatch.

Baron Nicolay informs me that the observations of M. Hall on receiving this communication afforded him only another proof of the hopelessness of obtaining from the Danish Government any departure from the line of policy they have laid down, and in this sense he has reported to Prince Gortchakoff.

I have, &c.
(Signed) A. PAGET.

No. 324.

Mr. Howard to Earl Russell.—(*Received December* 29.)

My Lord, *Hanover, December* 27, 1862.

THE Prussian Minister at this Court has recently communicated to Count Platen a despatch from M. de Bismarck stating that it is the intention of the Prussian and Austrian Governments to submit to the German Diet, for its information, the correspondence exchanged by them with the Danish Government on the Schleswig-Holstein question, and that their Representatives at Frankfort have been charged to come to an understanding concerning the joint Report to be made by them to the Federal Assembly on the subject.

I have, &c.
(Signed) HENRY F. HOWARD.

No. 325.

Mr. Jerningham to Earl Russell.—(*Received January* 5, 1863.)

My Lord, *Stockholm, December* 29, 1862.

I HAD the honour to receive on the 23rd instant your Lordship's despatch of the 5th ultimo, instructing me to inform Count Manderström that Her Majesty's Government were unable, for reasons therein mentioned, to defer the presentation at Copenhagen of their project for a settlement of the Danish Duchies question, until the Danish Government had presented an intended project of their own, as proposed by the Government of Sweden.

I had an opportunity of seeing Count Manderström to-day, when his Excellency, though not appearing struck by the freshness of the information, seemed satisfied with the reasons adduced.

The Count proceeded, but in a measured and friendly, though decided, tone, to make remarks upon the general question; the substance of which was, that the propositions of Her Majesty's Government seemed open to objection on the score both of practicability and of equity, since it must be next to impossible for the Danish Government to manage four Parliaments, when even one was often found too much in other countries, and since the balance did not appear evenly held between Denmark and Germany; that he was not without hopes, however, that out of those proposals some satisfactory arrangement might ultimately grow; that he had never ceased to preach at Copenhagen that, though the Danish Government appeared to him to have fulfilled their engagements not to incorporate Schleswig with Denmark, they had certainly not fulfilled their engagement to place the Germans in that Duchy upon an equal footing with the Danes; that he should still pursue the same course to the utmost; that the establish-

ment of the said equality required courage in the Danish Government, since it was highly unpopular with the Danes, but that a Ministry was bound either to have courage or to retire; that he had no fear of a forcible Execution on the part of Germany during the present winter, but that it was impossible to say what might not happen in the spring were the Danish Government to persist in the non-fulfilment of their engagements, whereas, when they had once fulfilled them, they might fearlessly challenge the public sympathy.

I observed, in reply, that your Lordship had long since impressed upon the Danish Government the absolute and primary necessity of thoroughly fulfilling their engagements to Germany, and that, as to your Lordship's propositions, the protracted difficulty of so tedious question seemed to render it advisable to essay every species of possible arrangement.

Count Manderström strongly expressed his conviction that your Lordship and Her Majesty's Government had always been actuated by the most praiseworthy desire to bring about an equitable settlement.

I have, &c.
(Signed) G. S. S. JERNINGHAM.

No. 326.

Mr. Jerningham to Earl Russell.—(Received January 5, 1863.)

(Extract.) *Stockholm, December* 29, 1862.

YOUR Lordship may possibly have learnt that a Danish journal had represented Count Manderström to have written to Count Wachtmeister, that he had been glad that your Lordship's propositions of the 24th September had not been officially communicated to this Government by that of Her Majesty, since they must have been intended either for the enemies of Denmark or for those ignorant of her interests, to neither of which categories did the Swedish Government belong.

Having alluded to the subject to-day in a friendly and unofficial manner with Count Manderström, his Excellency said that the report was a gross exaggeration, since what he had really written to Count Wachtmeister was, that as the proposals did not meet his approval, he was glad to have been saved the necessity, by their non-communication, of officially signifying such disapproval.

No. 327.

Mr. Paget to Earl Russell.—(Received January 5, 1863.)

My Lord, *Copenhagen, December* 31, 1862.

THE Council which was to have taken place at Jägersprüs the week before last was only held the day before yesterday at Fredensborg.

A Decree for the assembly of the Holstein States was then signed by the King, and M. Warnstedt, one of the members of the new local administration in Holstein, was appointed His Majesty's Commissioner.

I understand also that His Majesty gave his consent to the draft of an answe which the Danish Government is preparing to send to your Lordship's proposals of th 20th of November.

I have, &c.
(Signed) A. PAGET.

No. 328.

Earl Russell to Mr. Paget.

Sir, *Foreign Office, January* 6, 1863.

I HAVE received and laid before the Queen your despatch of the 24th ultimo, giving the substance of a despatch which has been addressed by Prince Gortchakoff to the Russian Minister at Copenhagen, on the subject of the proposals recently made to Denmark by Her Majesty's Government.

Her Majesty's Government had been already informed by Baron Brunnow of the

view taken by the Russian Government of the German-Danish question, and are glad to find that the opinion of the Government of the Emperor agrees with that of He Majesty's Government. At the same time Her Majesty's Government entirely agree with Baron Nicolay that it is a hopeless task to urge on M. Hall the adoption of the propositions of Her Majesty's Government of the 24th of September.

Her Majesty's Government have no other interest in the question than as it is one which concerns the peace of Europe and the welfare of Denmark. They will be happy to find that the propositions to be made by the Danish Government to Holstein and Schleswig fulfil the expectations and meet with the acceptance both of Holstein and of Schleswig.

You may state the substance of this despatch to M. Hall.

I am, &c.
(Signed) RUSSELL.

No. 329.

Earl Russell to Mr. Jerningham.

Sir, *Foreign Office, January 7,* 1863.

WITH reference to your despatch of the 29th ultimo, reporting a conversation with Count Manderström on the Danish Duchies question, I have to state that although from special circumstances my despatch of the 24th of September last was not communicated to the Government of Sweden, Her Majesty's Government fully allow that Sweden is entitled to participate in all negotiations of European Powers relating to Denmark and Schleswig.

I am, &c.
(Signed) RUSSELL.

No. 330.

M. Hall to M. de Bille.—(*Communicated to Earl Russell by M. de Bille, January* 10.)

Monsieur, *Copenhague, le 5 Janvier,* 1863.

LA dépêche de Lord Russell du 20 Novembre dernier a été placée sous les yeux du Roi, et il a plu à Sa Majesté de me donner ses ordres pour la réponse dans la dernière séance du Conseil d'Etat Intime.

Pour ce qui concerne le Holstein, le Gouvernement du Roi s'est déclaré prêt à concéder à cette province la position que la Confédération Germanique réclame pour elle, mais sous les conditions formulées dans ma dépêche du 15 Octobre, savoir, que par cette concession la Monarchie entière ne soit pas reduite à une continuelle dépendance de l'Allemagne, et que par ce sacrifice nos rapports avec la Confédération soient établis sur une base durable. Le Gouvernement du Roi a trouvé avec satisfaction dans la dépêche de Lord Russell du 20 Novembre une approbation cordiale de ces conditions indispensables pour le maintien de la Monarchie Danoise. Le but des négociations que sur l'invitation de Lord Russell nous avons entamées avec les Cours de Berlin et de Vienne, c'était de trouver les moyens de concilier les exigences de la Confédération avec ces conditions légitimes. En prenant acte de l'adhésion complète que leur a donnée Lord Russell nous aimons à croire que s'il s'agissait un jour de les maintenir vis-à-vis de la Confédération, sa Seigneurie n'hésiterait pas plus dans son appréciation de leur nécessité qu'il ne le fait aujourd'hui.

Mais s'il y a conformité pour l'objet définitif entre les vues de Lord Russell et les résolutions relatives au Holstein auxquelles le Gouvernement du Roi s'est déclaré prêt à se déterminer au besoin, je regrette de ne pas pouvoir en dire autant quant à la signification qu'il faudrait attribuer à une telle démarche. Lord Russell paraît regarder comme un simple acte de devoir pour le Gouvernement du Roi ce qui est en réalité un notable sacrifice arraché par la force des circonstances.

Vis-à-vis de cette étrange manière de voir il me sera permis de rappeler à sa Seigneurie que l'Acte Fondamental de la Confédération qualifie expressément ses membres de "Princes Souverains," de même que l'Acte Final de Vienne constate textuellement que la Confédération est composée d'Etats Souverains et réciproquement indépendants, dont l'union a précisément pour but de "garantir les droits souverains de chacun." En accédant à ce système les membres de la Confédération se sont imposé certaines obligations définies par les Actes, mais ils n'ont nullement transféré leur

souveraineté à la Diète de Francfort. Le Roi de Danemark est tenu de remplir fidèlement ses obligations fédérales ; mais il n'a cédé à personne le droit de régler les affaires intérieures du Holstein, pas plus que les autres membres de la Confédération ne l'ont fait pour leurs Etats. Et ce serait étrangement méconnaître le droit public de l'Europe que de prétendre ériger en principe que les membres de la Confédération Germanique doivent obéissance absolue aux Décrets de la Diète, de quelque nature que puisse en être l'objet.

Avec le Danemark l'observation des limites assignées à la compétence de la Diète devient une nécessité d'autant plus irrécusable que le Holstein, en devenant une partie de la Confédération, n'a pas cessé d'être une province de la Monarchie Danoise. En s constituant l'arbitre suprême des affaires intérieures du Holstein, la Diète n'empiète pas seulement sur le droit souverain du Roi relativement à cette province, mais elle porte atteinte aux rapports constitutionnels qui existent entre le Holstein et le reste de l'Etat, et à l'indépendance de la Monarchie Danoise elle-même. Il est évident, quelque jugement que l'on porte d'ailleurs sur la compétence de la Diète au sujet des affaires intérieures du Holstein, que toutes les autres questions rentrent uniquement dans le domaine du droit international. Ici, en effet, il ne s'agit plus par conséquent d'Arrêtés Fédéraux ni d'exécution Fédérale, mais simplement de transactions de Puissance à Puissance, et, en dernier lieu, de moyens coércitifs internationaux. Ce qu'on fait aujourd'hui vis-à-vis du Danemark à cause du Holstein, on pourrait le faire contre les Pays-Bas au sujet du Limbourg, voire contre la Prusse et l'Autriche elles-mêmes pour leur provinces Allemandes, qui bien plus que le Holstein se trouvent comprises dans une forte centralisation avec les provinces non-Fédérales. Il est vrai que la force matérielle est un argument qu'on ne méconnaît pas aussi impunément que le bon droit.

A ses visées sur le droit Fédéral Lord Russell ajoute cette observation qu'en général il ne trouve rien que de raisonnable dans la demande qu'aucune loi ni aucune taxe ne deviennent obligatoires dans le Holstein sans qu'elles aient été approuvées par les Etats Provinciaux. Il me suffit à cet égard de faire observer que pour toute nouvelle taxe et pour toute loi provinciale les Etats Provinciaux du Holstein sont déjà investis du vote délibératif. Quant aux affaires communes de la Monarchie, il est notoire que le système constitutionnel est non seulement reconnu, mais, qui plus est, franchement pratiqué, et si les Holsteinois ne siègent plus dans le Rigsraad pour y exercer leur part légitime des droits législatifs, on sait assez que ce n'est pas au Gouvernement du Roi qu'il faut en attribuer la faute. Mais ce qu'il eût fallu prouver, c'est qu'une province peut réclamer la jouissance de ses droits constitutionnels de manière à les exercer séparément, et que l'étranger, que notamment la Diète de Francfort, a le droit de contraindre le Roi de Danemark à donner suite à une telle demande.

Après avoir épuisé tous les moyens de défendre son droit, et se voyant placé vis-à-vis de l'alternative, ou d'affaiblir les attaches qui lient le province du Holstein à la Monarchie, ou de reduire la Monarchie entière au vassalage da la Confédération, le Gouvernement du Roi n'a plus eu de choix. Mais en cédant à une exigence aussi excessive et aussi mal fondée, il croit pouvoir attendre que les Grandes Puissances Européennes qui, en insérant dans l'Acte du Congrès de Vienne les principes fondamentaux de la Confédération Germanique, ont acquis le droit de veiller à leur maintien, lui tiendront au moins compte de son sacrifice. Elles ont proclamé le principe de l'intégrité de la Monarchie. Il convient donc au moins qu'elles garantissent la Monarchie contre tout empiètement dépassant les limites géographiques de la Confédération contre toute tentative ultérieure de saper les bases de l'Etat.

Lord Russell s'occupe ensuite du Slesvig, et il prend pour point de départ de ses observations l'accord qui existerait selon lui sur la question de droit, de sorte qu'il ne s'agirait plus que d'un examen des faits. Je ne puis pas suivre Lord Russell dans cette manière par trop pratique de simplifier la question. Le grand point qui domine tout, et l'examen des faits et l'appréciation des moyens de modifier un état de choses qui ne correspond pas aux désirs de l'Allemagne, est précisément celui-ci : la Confédération a-t-elle réellement le droit de s'immiscer dans les affaires d'une province Danoise pour laquelle le Roi n'a jamais accédé à la Confédération ? Nous avons établi, et jusqu'à présent la Diète Germanique n'a pas même essayé sérieusement de prouver le contraire, préférant, avec trop de succès malheureusement, le procédé plus commode d'ignorer nos arguments,—nous avons prouvé que tout ce à quoi le Roi s'était engagé pour le Slesvig, il l'a immédiatement et complètement accompli. Ces engagements ne comprenaient aucune clause ayant trait aux langues dans le Slesvig. Mais ce que le Roi a fait, le voici. Dans une Ordonnance adressée à tous ses sujets il a annoncé les principes qu'il comptait suivre, entre autres aussi pour le réglement des langues et pour le maintien égal des deux nationalités. Or, ce fait ne peut certes pas justifier une interven-

tion quelconque de l'étranger pour contrôler le Gouvernement du Roi dans l'exercice de ses fonctions. Cette Ordonnance a été communiquée à la Diète de Francfort, mais en la communiquant l'Envoyé du Roi ajouta expressément que la Diète y verrait quelle position le Gouvernement assignait au Holstein, et c'est avec la même restriction que la Diète prit acte de ce document par son Arrêté du 29 Juillet, 1852. Tout le reste de l'Ordonnance ne regarde donc pas la Diète, et le même prétexte de droit dont elle use aujourd'hui afin de s'immiscer dans la question des langues dans le Slesvig, elle pourrait un jour l'invoquer pour contrôler la manière dont le Gouvernement du Roi tient compte des dispositions de la Loi Fondamentale du Royaume, car le maintien de cette loi se trouve tout aussi bien promis dans l'Ordonnance que l'égalité des langues.

Ainsi, ni le droit public général ni la correspondance diplomatique de 1851 n'autorisent une intervention quelconque de la Confédération dans les affaires du Slesvig, et le Gouvernement du Roi trahirait les interêts les plus sacrés de l'Etat s'il transigeait sur ce principe capital, que l'autorité de la Confédération Germanique ne peut en aucun cas dépasser la frontière du Holstein.

Ce principe le Gouvernement du Roi l'a toujours soutenu, mais en même temps il a eu trop d'égards pour l'opinion publique en Europe pour vouloir s'exposer au blâme qu'encourt un Gouvernement qui, tout en ne sortant pas des strictes limites de son droit, serait censé ne pas tenir suffisamment compte de la liberté et du progrès moral de ses sujets. C'est pourquoi il n'a épargné aucune peine pour dévoiler et refuter les erreurs et les défigurations de la vérité sur l'état des choses dans le Slesvig auxquelles on a eu intérêt à donner cours. Mais pour prix de sa bonne volonté il a pu constater que plus il s'attachait à élucider et à expliquer les faits, plus le point de droit était perdu de vue par ceux auxquels il les adressait. On a cru pouvoir balancer nos explications qui s'appuyaient sur une connaissance de cause complète, par les assertions contraires des Puissances Allemandes, qui avaient pourtant reconnu elles-mêmes la difficulté où elles se trouvent pour discerner la vérité. Dernièrement Lord Russell a même préféré asseoir son jugement sur le rapport secret d'un agent subalterne dont la bonne volonté n'a pu suppléer aux autres conditions nécessaires pour connaître et juger ces détails si compliqués.

En raison de cette triste expérience le Gouvernement du Roi croit devoir s'en tenir désormais au seul point de droit qui justifie suffisamment son refus d'entrer dans aucune négociation sur les affaires intérieures du Slesvig.

D'ailleurs qu'aurais-je eu à ajouter sur les différents projets que mentionne la dernière dépêche de Lord Russell ? Je ne me serais assurément pas étendu longuement sur les propositions au sujet desquelles sa Seigneurie reconnait elle-même qu'elles sont moins acceptables pour le Danemark que celle à laquelle elle a cru pouvoir donner sa préférence. Quant à celle-ci je me suis déjà expliqué dans ma dépêche du 15 Octobre. Cette fois encore Lord Russell renouvelle l'assurance du désir du Cabinet Britannique de conserver l'existence et l'intégrité du Danemark. Mais cette intégrité, la proposition de Lord Russell aurait infailliblement pour résultat de l'anéantir en divisant la Monarchie en plusieurs parties, qui jouissant chacune en réalité de toutes les attributions de la souveraineté, ne se trouveraient reliées entre elles que par un Conseil d'Etat, lequel serait une espèce de représentation commune, il est vrai, mais qui frappé d'impuissance dès le principe ne tarderait certes pas à s'éteindre dans un avenir peu éloigné. Il m'en coute de le constater, mais ce démembrement de la Monarchie, la dernière dépêche de Lord Russell a tout l'air de la regarder comme un fait acquis. L'idée qu'il prend pour point de départ c'est en effet celle d'une union d'Etats rattachés entre eux par la seule personne du Souverain, et nullement le principe uniquement reconnu jusqu'ici par le droit public de l'Europe, celui de l'unité de la Couronne Danoise. Cette Monarchie enfin que le Cabinet Britannique veut conserver, l'arrangement proposé par Lord Russell la priverait de l'indépendance, l'essence même de la vie, en appuyant un réglement des affaires constitutionnelles qui n'a d'autre titre pour se recommander que celui d'être inspiré par les Puissances Allemandes.

Il ne reste qu'une voie ouverte, c'est celle que le Gouvernement du Roi a déclaré vouloir suivre. D'un côté il faut subir la nécessité d'accorder aux Etats Holsteinois la position que la Diète de Francfort exige, mais avec les réserves nécessaires pour que cette province ne devienne pas le maître et l'arbitre des destinées du reste de la Monarchie. De l'autre côté le Slesvig doit rester en dehors de l'action de la Confédération et conserver ses rapports constitutionnels avec le Royaume pour les affaires communes. Le premier point écartera tout prétexte d'une Exécution Fédérale dans le Holstein. Le second point est la condition indispensable pour l'existence d'un Etat Danois, et si Lord Russell redoute que le développement de l'état des choses légalement existant pour le Slesvig et le Royaume n'aboutisse à quelque violente

explosion, le Gouvernement du Roi est fermement convaincu qu'une telle explosion ne pourrait se produire que par suite d'instigations et de violences étrangères. Et une telle éventualité le Gouvernement l'envisage avec le calme et la résolution que lui inspire la conscience de son bon droit.

Veuillez, &c.
(Signé) C. HALL.

(Translation.)

Sir, *Copenhagen, January* 5, 1863.

LORD RUSSELL'S despatch of the 20th of November last has been laid before the King, and His Majesty was pleased to give me his orders as to its answer at the last sitting of the Privy Council.

As regards Holstein, the Government of the King has declared itself ready to concede to that province the position claimed for it by the German Confederation, but subject to the conditions specified in my despatch of the 15th of October; that is to say, that by that concession the whole of the Monarchy shall not be reduced to a continual dependence on Germany, and that by this sacrifice our relations with the Confederation should be established on a permanent basis. The Government of the King has found with satisfaction in Lord Russell's despatch of the 20th of November, a cordial approval of these indispensable conditions for the maintenance of the Danish Monarchy. The object of the negotiations which, at Lord Russell's invitation, we entered into with the Courts of Berlin and Vienna, was to find means to reconcile the demands of the Confederation with these legitimate conditions. Whilst recognizing the complete adhesion given to them by Lord Russell, we would fain believe that if ever there was a question of maintaining them in the presence of the Confederation, his Lordship would no more hesitate in his appreciation of their necessity than he does at this present moment.

But if there is some conformity between Lord Russell's views and the Resolutions respecting Holstein which the Government of the King have declared themselves ready to adopt, in case of necessity, as far as regards their definite object, I regret that I cannot say as much with reference to the signification to be attributed to such a course. Lord Russell appears to regard as a simple act of duty on the part of the Government of the King that which in reality is a remarkable sacrifice exacted by the force of circumstances.

With regard to this strange view of the matter, I may be allowed to remind his Lordship that the Fundamental Act of the Confederation expressly designates its members as "Sovereign Princes," just as the Final Act of Vienna lays down textually that the Confederation is composed of sovereign and reciprocally-independent States, the precise object of whose union is "to guarantee the sovereign rights of each." In accepting this system the members of the Confederation imposed on themselves certain obligations defined by the Acts, but they in no wise transferred their sovereignty to the Diet of Frankfort. The King of Denmark is bound to fulfil faithfully his Federal obligations; but he has ceded to no one his right to direct the internal affairs of Holstein any more than the other members of the Confederation have done with regard to their States. And it would be strangely misinterpreting the public law of Europe to pretend to lay down as a principle that the members of the German Confederation owe absolute obedience to the Decrees of the Diet, whatever the nature of their object may be.

With Denmark the observance of the limits assigned to the competence of the Diet becomes a necessity so much the more undeniable inasmuch as Holstein, by becoming a part of the Confederation, has not ceased to be a province of the Danish Monarchy. In constituting itself supreme arbiter of the internal affairs of Holstein, the Diet encroaches not only on the sovereign right of the King with regard to that province, but it attacks the constitutional relations which exist between Holstein and the rest of the State, and even the independence of the Danish Monarchy. It is evident, whatever opinion may be entertained as to the competence of the Diet on the subject of the internal affairs of Holstein, that all the other questions come solely within the scope of international law. Here, in fact, there is no longer a question of Federal Decrees or of a Federal Execution, but simply of the transactions of one Power with another, and, as a last resort, of international coercive measures. What is here being done with regard to Denmark on account of Holstein might be done with regard to the Netherlands on account of Limbourg, nay, even against Prussia and Austria themselves on account of their German Provinces, which, much more than Holstein, are united by a close centralization with the non-Federal Provinces. It is true that material force is an argument which cannot so easily be ignored with impunity as the justice of a cause.

To his views of Federal law Lord Russell adds this observation, that speaking generally he sees nothing unreasonable in the demand that no law and no tax should be binding on

Holstein without being approved by the Provincial States. It is enough for me to observe on this point that the Provincial States of Holstein are already entitled to a deliberative vote on every new tax and on every provincial law. As regards the common affairs of the Monarchy, it is notorious that the constitutional system is not only recognized, but, moreover, is fairly practised; and if the Holstein Members no longer sit in the Rigsraad to exercise their fair share of the legislative rights, it is well enough known that the fault is not to be attributed to the Government of the King. But what ought to have been proved is, that a province can claim the enjoyment of its constitutional rights in such a way as to exercise them separately, and that a foreign Power, and notably the Diet of Frankfort, has the right of forcing the King to consent to such a demand.

After having exhausted all the means of defending their rights, and finding themselves reduced to the alternative either of weakening the ties which bind the province of Holstein to the Monarchy, or of reducing the whole Monarchy to the vassalage of the Confederation, the Government of the King had no choice left. But in giving way to so excessive and ill-founded a requirement, they think they have a right to expect that the Great European Powers, which, in inserting in the Act of the Congress of Vienna the fundamental principles of the German Confederation, have acquired the right of watching over their observance, will at least give them credit for this sacrifice. These Powers have proclaimed the principle of the integrity of the Monarchy. It is right, then, that they should at least guarantee the Monarchy against every encroachment which passes the geographical limits of the Confederation, and against every ulterior attempt to undermine the foundations of the State.

Lord Russell then turns his attention to Schleswig, and he takes, as a starting-point for his observations, the understanding which, in his opinion, exists on the question of right, so that only an examination of the facts is necessary. I cannot follow Lord Russell in this somewhat too practical way of simplifying the question. The grand point which overrules everything, not only the examination of facts, but also the appreciation of the means of modifying a state of things which does not correspond with the wishes of Germany, is precisely this: Has the Confederation really the right of interfering in the affairs of a Danish province, with regard to which the King has never joined the Confederation? We have established, and up to the present time the German Diet has not even seriously attempted to prove the contrary, preferring, unhappily, with two much success, the more convenient course of ignoring our arguments,—we have proved that all that the King took upon himself as regards Schleswig he has immediately and completely performed. These engagements did not contain any clause referring to the languages in Schleswig. But this is what the King has done. In a Proclamation addressed to all his subjects, he announced the principles he intended to follow, and, among others, those for the regulation of languages and for the equal maintenance of the two nationalities. Now this fact cannot certainly justify any interference from abroad to control the Government of the King in the exercise of its functions. This Proclamation has been communicated to the Diet of Frankfort, but in communicating it the Envoy of the King added expressly that the Diet would therein see what position the Government assigned to Holstein, and the Diet took cognizance of this document by its Edict of July 29, 1852, with this same limitation. All the rest, then, of the Proclamation does not concern the Diet, and the same pretext of right which it now makes use of in order to interfere in the question of languages in Schleswig might be appealed to on some other occasion for the purpose of controlling the manner in which the Government of the King observes the dispositions of the Fundamental Law of the kingdom, for the maintenance of that law is promised in the Proclamation quite as much as the equality of languages.

Thus neither general international law nor the diplomatic correspondence of 1851 authorize any intervention of the Confederation in the affairs of Schleswig, and the Government of the King would betray the most sacred interests of the State if it infringed this vital principle, that the authority of the German Confederation can in no case pass the frontier of Holstein.

This principle the Government of the King have always upheld, but at the same time they have had too much regard for public opinion in Europe to wish to expose themselves to the blame which a Government incurs, when, without exceeding the strict limits of its rights, it is thought not to lay sufficient store by the liberty and moral progress of its subjects. It is for this reason they spared no trouble to unmask and refute the errors and misrepresentations as to the true state of things in Schleswig which it has been the interest of others to circulate. But as the price of their good intentions, they have been able to demonstrate that the more they devoted themselves to elucidating and explaining the facts, the more the point of law was lost sight of by those to whom these explanations were addressed. It has been thought possible to meet our explanations, which were founded on

a complete knowledge of the case, with the contrary assertions of German Powers, who had, however, themselves recognized the difficulty they found in discovering the truth. Lastly, Lord Russell even preferred to base his judgment on the secret report of a subaltern agent, whose good intentions could not supply the place of the other conditions necessary to understand and judge of these very complicated details.

In consequence of this melancholy experience, the Government of the King think it their duty from henceforth to hold to the point of right alone which sufficiently justifies their refusal to enter into any negotiation on the internal affairs of Schleswig.

Moreover, what should I have had to add on the different projects which Lord Russell's last despatch mentions? I should certainly not have enlarged much on the propositions which his Lordship himself recognizes as less acceptable to Denmark than the one which he considered preferable. With regard to this latter I have already explained myself in my despatch of the 15th of October. Lord Russell again renews the assurance of the desire of the British Cabinet to maintain the existence and integrity of Denmark. But the proposition of Lord Russell would infallibly end in destroying this integrity, by dividing the Monarchy into several portions, each of which enjoying in reality all the attributes of sovereignty would be only bound together by a Council of State, which would be a sort of common representation, it is true, but being rendered powerless from its commencement, would certainly in a very short time die out. I am sorry to make the statement, but Lord Russell's last despatch has every appearance of looking on this dismemberment of the Monarchy as an acknowledged fact. The idea which he takes as a starting-point is in fact that of a union of States only connected by the person of the Sovereign, and in no wise the principle alone hitherto recognized by the public law of Europe, that of the unity of the Danish Crown. Finally, the arrangement proposed by Lord Russell would, by supporting a system of constitutional affairs which has no other recommendation than that of having been inspired by the German Powers, deprive this Monarchy, which the British Cabinet wishes to preserve, of its independence, the very essence of its life.

There remains only one course open, it is that which the Government of the King have declared their intention of following. On the one hand, we must submit to the necessity of giving to the States of Holstein the position which the Diet of Frankfort requires, but with the reservations necessary to prevent that province from becoming the master and arbiter of the destinies of the rest of the Monarchy. On the other hand, Schleswig is to remain free from the action of the Confederation, and to preserve her constitutional relations with the Kingdom with regard to common affairs. The first point will prevent all pretext for a Federal Execution in Holstein. The second point is the indispensable condition for the existence of a Danish State, and if Lord Russell fears lest the development of the state of things legally existing for Schleswig and the Kingdom should end in some violent explosion, the Government of the King are firmly convinced that such an explosion could not take place except by foreign instigations and violence. And the Government contemplates such an eventuality with the calmness and resolution which the consciousness of its good cause inspires.

Receive, &c.
(Signed) C. HALL.

No. 331.

Mr. Jerningham to Earl Russell.—(Received January 19.)

(Extract.) *Stockholm, January 12, 1863.*

COUNT MANDERSTROM read me a despatch, dated the 30th ultimo, which he had addressed to the Swedish Minister at St. Petersburgh, in answer to the communication of a despatch from Prince Gortchakoff to the Russian Minister here, inclosing and supporting your Lordship's proposals, in which his Excellency makes remarks similar to those reported in my despatch of the 29th ultimo, when of course the said despatch was in preparation.

Count Manderström verbally reiterated his opinion that your Lordship's propositions, howsoever objectionable as to certain points, might contain the elements of a possible arrangement.

No. 332.

Earl Russell to Mr. Paget.

Sir, *Foreign Office, January 21, 1863.*

I TRANSMIT to you a copy of a despatch from M. Hall to M. de Bille,* which was delivered to me by M. de Bille on the 10th instant.

* No. 330.

I did not discuss with M. de Bille the arguments contained in this despatch, which have nothing in them of novelty. I merely noticed to him the omission of any reference to the admission he had himself made to me that the inhabitants of Schleswig were not allowed to petition the Sovereign in any greater number than three, and that German newspapers were not allowed to circulate in Schleswig.

M. de Bille answered me that he supposed M. Hall considered these points as unimportant.

M. Hall wishes that this controversy should not be carried further, and Her Majesty's Government see no advantage in prolonging it.

There are some points, however, which I wish you to bear in mind in case M. Hall should raise in conversation the topic of the German Duchies and the situation of Schleswig.

The first point is, that the recent negotiation between Austria, Prussia, and Denmark, was brought about by Her Majesty's Government in 1861, in order to avert the Federal Execution, which was threatened in the beginning of that year by the Committee of the Diet of the German Confederation.

Her Majesty's Government then stated that while the boundaries of Holstein and Schleswig were unsettled and still in dispute, and while the passions both of Germans and of Danes were highly excited, an occupation of Holstein by German troops would not fail to be attended with danger to the relations of peace between Germany and Denmark, and might lead to hostilities in which all Europe might be involved.

Both parties after some time listened to these representations, and a direct negotiation was set on foot in the autumn of 1861.

But in the middle of the summer of 1862 it appeared to Her Majesty's Government that the negotiation, instead of producing a settlement, had tended more and more towards bitterness and strife, leading probably in the end to a rupture.

You may remember that in speaking to you at Brussels in the beginning of September, when I was proceeding to Germany in attendance upon Her Majesty, I pointed out to you this state of things, and gave you an outline of the mode of settlement which had occurred to me. That mode of settlement was developed in my despatch of September 24, which you were charged to take to Copenhagen on your return to that capital.

Had that mode of settlement been adopted by the Danish Government, it is probable that a Normal Budget sufficient for the ordinary wants of the Monarchy would have been voted for ten years by Denmark, Schleswig, Holstein, and Lauenburg. The sums thus voted would have been expended under the direction of a Council, composed two-thirds of Danish and one-third of German members.

Germany could have had no right to interfere in these internal arrangements of the Danish Monarchy, and it is probable that at the end of ten years the passions excited would have calmed down, and the dispute would have been forgotten in the general contentment.

It has not pleased the Danish Government to take this course. The Danish Government has a perfect right to refuse this proposition of Great Britain, which was made in the most friendly spirit towards Denmark.

But the Government of Great Britain, while upholding the integrity and independence of Denmark, must still maintain that there are certain engagements of the King of Denmark which he is bound in honour to fulfil. Count Manderström, however favourable to the Danish Government, admits that Denmark has not yet fulfilled her engagements to place her German on a footing of equality with her Danish subjects. Her Majesty's Government must add, that it is not for the interest any more than it is for the reputation of the King to place his German subjects in a situation inferior to that of his subjects of Danish origin, either as to privilege or as to favour.

I am, &c.

(Signed) RUSSELL.

No. 333.

*Earl Russell to Mr. Paget.**

Sir, *Foreign Office, January* 21, 1863.

IT may be convenient to you to have in your possession a Memorandum relating the progress of the questions still pending between Denmark and Germany since the beginning of the year 1861.

* Similar despatches were addressed to Earl Cowley, Lord Bloomfield, and Mr. Buchanan.

The principal despatches referred to—stating, on the part of Austria, Prussia, and Denmark, their respective claims, together with the despatches which have proceeded from Her Majesty's Government—will be laid before Parliament at the commencement of the session.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 333.

Memorandum.

IN January 1861 the Committee of the Diet were engaged in considering the proposal of Oldenburg for enforcing the Diet's demands of February 1858 by Federal Execution.

On the 17th of January, the Committee made their report to the Diet, and proposed:—

Sir A. Malet, January 23, 1861.

1. To declare the Royal Patent of September 1859 void, as long as it has not obtained the consent of the States of the Duchies.

2. To summon the Danish Government to declare whether they will comply with the Federal Decree of March 8, 1860, respecting the establishment of a "Provisorium" for the Duchies.

3. To fall back upon the Federal Decree of August 12, 1858, in case the Danish Government does not give a satisfactory declaration within six weeks.

The objects to be enforced by Federal Execution in Holstein were stated to be:—

Mr. Howard, January 28, 1861.

1. That during the "Provisorium," all projects of laws submitted to the Reichsrath should be laid before the Holstein and Lauenburg States, in order to preserve the equal rights of the Duchies; and that no law concerning the common affairs of the Monarchy, *especially in matters of finance*, should be issued for the Duchies without the sanction of their States.

Lord A. Loftus, February 16, 1861. Sir A. Malet, February 8, 1861.

2. That the definitive statement of the Constitutional state of things in the Duchies should be entered upon by the Danish Government, in conformity with the assurances given to the German Confederation in 1851. Six weeks' delay was to be accorded to the Danish Cabinet for their reply, and a further delay of six weeks would occur on the expiration of that time.

To Mr. Paget, February 13, 1861. To Lord Cowley, February 23, 1861.

Her Majesty's Government continued to urge conciliation on the Danish Government; and their views of the proceedings of the Confederation were stated by Lord Russell, in a despatch to Lord Cowley of February 23, to be that the Confederation would be justified in enforcing (even by Federal Execution) the submission to the Holstein States of the votes for the taxes and expenditure. With regard to Schleswig Lord Russell said, "It is a Danish Duchy; and although both the honour and interest of Denmark require that Schleswig should be equitably treated, the King could not, without danger, treat with Germany respecting the terms to be given to that Duchy." On the 27th of February Lord Cowley was instructed to settle with the French Government the advice to be given to Denmark, and an identic instruction was accordingly sent to the French and English Representatives at Copenhagen to urge the Danish Government to agree to submit to the Holstein States the quota to be furnished by Holstein to the common expenses of the Monarchy. The Russian and Swedish Representatives joined in this representation, but it failed to persuade M. Hall, who adhered to the measures which he stated had already been agreed upon by the Danish Government. The Report of the Committee had been adopted by the Diet on the 7th February, and on the 6th March the Holstein States met at Itzehoe and appointed a Committee to consider the propositions submitted to them by the Danish Government. The propositions were as follows:—

Mr. Ward, March 7, 1861.

1. A new Provisional Constitution for the Monarchy, viz., the Imperial Council to be divided into two Chambers; the members of one to be nominated by the Crown, the other to be elective. The qualification to vote for members to be reduced one-half, and the new body to have the right of initiative in legislation.

2. A project of law for provisionally determining the position of the Duchy of Holstein in regard to the common affairs of the Monarchy.

3. The project of a new Constitution for the special affairs of Holstein.

The first project of law was divided into sixteen sections. The thirteenth, which dealt with the question of the Budget, was as follows:—

"Holstein to contribute a fixed portion of the common expenses of the Monarchy here specified, which cannot be increased without the consent of the States. For the financial year from April 1, 1861, to March 31, 1862, the Budget of the preceding year, as fixed by the Royal Resolution of September 23, 1859, is to be the rule."

The Report of the Committee upon the general propositions recommended the absolute rejection of the first two proposals, and coupled its acceptance of the third with a condition which would ensure its rejection by Denmark. Mr. Ward, March 19, 1861.

The controversy was practically narrowed down to the question as to whether or not the Danish Government would agree to the principle of equal Legislative rights between the Danish and Holstein Assemblies, as embodied in the particular act of submitting the Budget of 1861-62 to the deliberative vote of the States, *i. e.*, to a vote which should be binding in its effects upon that portion of the public income of the United Monarchy for which Holstein was to be assessed. Lord A. Loftus, April 13 1861.

The Danish Government were repeatedly urged by Her Majesty's Government, supported by the Governments of France and Russia, to lay the Budget for 1861-62 before the States, but their communications to the States on this point were so ambiguous that it became a disputed point whether or not the Government had submitted the Budget for their consideration. M. Hall stated that the Royal Resolution of September 23, 1859, by which the share of Holstein in the common expenses was regulated, was inserted in the 13th Article of the Project of Law, and that the submission of that Article to the States was, consequently, equivalent to the submission of the Budget for their acceptance or rejection, while the Committee of the States maintained that no Budget for the Monarchy had been laid before them, and declared that it would have been useless to treat as a Budget the proposals of the Government, it being clear that a veto would not be allowed them. They finally rejected the propositions of the Danish Government on the 9th of April, and on the 11th the Session was closed. M. Hall's Circular; March 22, 1861. Mr. Ward, April 10, 1861.

On the 19th of April Lord Russell sent to Paris, St. Petersburgh, and Stockholm, the following proposals for the settlement of all the questions in dispute between Germany and Denmark:— To Earl Cowley, April 19, 1861.

1. That the quota of the common Budget which affects Holstein and Denmark be submitted to the States of those Duchies for their assent, amendment, or rejection.

2. That the laws which affect Holstein and Lauenburg be submitted in the same manner to the States of the Duchies.

3. That Schleswig shall send representatives to the Parliament of Denmark to vote the common expenses of the Monarchy and all laws affecting the Monarchy.

4. That the separate Diet of Schleswig shall remain as at present. Its functions to consist in voting local expenses and in providing by equal laws for the welfare of the Danish, German, and other inhabitants of Schleswig.

5. When these terms are assented to and solemnly proclaimed by the King of Denmark; France, Great Britain, Russia, and Sweden to guarantee the possession of Schleswig to the Crown of Denmark.

6. That Commissioners be appointed, one for Denmark, one for Germany, and one for the Four Powers, to define the boundary of Schleswig.

7. That the Treaty and Engagements of 1852, so far as they are not altered by these Articles, should be inviolably maintained.

Lord Russell further explained the opinion of Her Majesty's Government to Mr. Paget, that there should be a union of the Crown, or "Personal Union" of Denmark and Holstein, which would leave the Rigsraad free and the States of Holstein free. To Mr. Paget, April 29, 1861.

In a further development of these proposals, Lord Russell, after alluding to the apprehension entertained by each party in the dispute that the real object of the other was the incorporation of Schleswig in Denmark or in Holstein respectively, laid down the three following points as those in which a solution might be found:— To Earl Cowley, May 8, 1861.

1. Separation of Holstein from Danish provinces in the same way as Luxemburg is separated from Holland.

2. Union of Schleswig with Denmark for purposes common to the Monarchy.

3. Local Representative Body in Schleswig for guarantee of rights of German inhabitants.

Lord Russell proposed that his plans should be simply communicated to the Confederation, and that they should be left to accept or reject them as they thought fit.

These proposals formed the subject of discussion between Her Majesty's Government and the French and Russian Governments during the month of May, but they eventually fell to the ground in consequence of the difficulties raised by these Governments; and Her Majesty's Government then, as a means of averting for a time the threatened Federal Execution, urged the Danish Government to give effect to a proposition which originated with M. Hall's circular of March 22. This proposition was founded on a personal opinion therein expressed by M. Hall, that the Danish Government would prefer to surrender the quota of Holstein in the common expenses for the year 1861-62, and to be satisfied Mr. Paget, May 30, 1861. To Mr. Paget, June 12, 1861.

with the annual Budget as far as Holstein was concerned, rather than be exposed to a Federal Execution for an interest of such small proportional importance.

To Lord A. Loftus, June 20, 1861.

Lord Russell also addressed a despatch to Her Majesty's Minister at Berlin, dwelling on the dangers of a Federal Execution in Holstein, and again pointing out the following obvious results which would ensue:—

1. That Denmark might contest by arms the occupation of Holstein by German Federal troops, and thus a state of war might arise between Germany and Denmark, of which it would be almost impossible to define the limits.

2. That a disputed frontier might cause border skirmishes, and thus lead to actual war.

3. That some chance collision between excited and embittered parties might extend the scope of the contest, and change it from a question concerning German territory, which affects Germany chiefly, into a question concerning "the maintenance of the integrity of the Danish Monarchy," which, "as connected with the general interests of the balance of power in Europe," is declared, in the Treaty of London of the 8th of May, 1852, to be "of high importance to the preservation of peace."

The questions, therefore, to be considered were—

1. Whether Denmark would give up the Danish Budget for the year, to avoid a Federal Execution, on the understanding that serious negotiations should be undertaken before April 1862; and

2. Whether the Confederation would agree to defer Federal Execution if the Danish Government authorized Her Majesty's Government to make a declaration in their name to that effect. A Conference in London in the autumn was proposed, as the best means of finally settling the questions at issue.

Mr. Paget, June 15, 1861.

The Danish Government, being pressed as to its readiness to adhere to its part of the above proposal, M. Hall explained that his suggestion referred only to the sacrifice of any particular item of the supplementary Budget which might be objected to by the Holstein States, and not to the surrender of the whole. He also insisted on the necessity for Denmark of a definite result before the meeting of the Rigsraad in October 1862.

Baron Schleinitz; June 19, 1861.

The Prussian Government, on the other hand, expressed their readiness to recommend to the Confederation the delay of Execution, and the subsequent renewal of direct negotiations, if Denmark would make the declaration as recommended by Her Majesty's Government. With regard to the proposal for a European Conference, the Prussian Government did not think the time favourable, and the Danish Government made difficulties as to the question of Schleswig being discussed in a Conference, on the ground that they could never allow Schleswig to be made a subject of negotiation in Germany. France and Russia supported the representations of Her Majesty's Government, but the idea of a Conference having fallen to the ground, the Danish Government were unwilling to make the required declaration respecting the Budget, if direct negotiations with Germany were to be the only result.

Mr. Paget, June 27, 1861.

Mr. Paget to M. Hall; July 11, 1861.

Being pressed, however, by Her Majesty's Government, who undertook to endeavour to bring about a friendly mediation on the part of the Great Powers if direct negotiations failed, the Danish Government eventually complied, and notified their intention accordingly to the Prussian and Austrian Governments.

They urged, at the same time, that the negotiations should be entered upon at once, and the means by which they proposed to arrive at an understanding were thus defined by M. Hall:—

"So to regulate the relations of Holstein that the King may be able to comply with the demands of the Diet as to the more complete autonomy of that Duchy, without thereby attacking the independence of the parts of the Monarchy which do not belong to the Confederation."

Sir A. Malet, August 12, 1861.

The Diet met on the 12th August to receive the Danish communication, and agreed to the postponement of Federal Execution.

Lord A. Loftus, August 24, 1861.

The Prussian Government replied to the Danish communication in a conciliatory manner.

The Diet then adjourned, without giving any positive authority to Austria and Prussia to negotiate with Denmark on behalf of the Confederation; and this omission, coupled with the retirement of Baron Schleinitz from the Prussian Foreign Office, were alleged by the Prussian Government as reasons for delaying the commencement of the negotiations. The Danish Government were most anxious that something should be done before the time for the meeting of the Rigsraad in October, and Her Majesty's Government repeatedly urged Prussia to hasten the commencement of negotiations.

The Governments of France, Russia, and Sweden joined with Her Majesty's Govern-

ment in these representations; but it was not until the end of October that Count Bernstorff, the new Prussian Minister for Foreign Affairs, expressed his readiness to receive the Danish propositions. The Danish Foreign Minister, thereupon, forwarded proposals to Vienna and Berlin, the principal points of which were:— Lord A. Loftus, September 21, 1861. Mr. Lowther, October 26, 1861. M. Hall to M. Quaade; October 26, 1861.

1. That under existing circumstances, a provisional arrangement only could be come to.

2. That, considering the difficulties likely to arise from the action of the two Assemblies (of Denmark and Holstein) on affairs common to both, it would be desirable, as far as possible, to limit the sphere of that action; and, therefore, that all affairs respecting which separate action can be taken by either Assembly, without prejudice to the common interests, should be subject to the separate legislative action of each.

3. The army and details of taxation (not including the Tariff) to come under the above head.

4. The appointment of joint Committees of the two Assemblies to settle questions in dispute.

5. In case of disagreement between the two Chambers, the Government to reserve the power of carrying out in one part of the Monarchy the resolutions of its Assembly, although not adopted by the Assembly of the other part.

6. The States of Holstein to have the right—

(*a.*) Of making grants in the financial department.

(*b.*) Of determining the expenditure in their share of these branches of the common expenditure which would by this plan be placed exclusively under their legislative action.

(*c.*) Of voting the expenditure for the provincial affairs of the Duchy.

7. These rights to apply only to the sums to be voted by each Assembly for the common affairs in excess of the Normal Budget which would be fixed by the Government.

A joint answer was given by the two German Governments on the 5th of December. They expressed dissatisfaction at the tenor of the communication, and objected to it on the ground— Count Bernstorff to M. de Balan; December 5, 1861.

1. That only a provisional settlement was proposed.

2. That the proposals did not differ from those which had already been rejected by the Holstein States.

3. That the arrangements of 1852 were not taken as the basis of the proposals.

4. That the position of Schleswig was not alluded to.

The despatch concluded by observations on the mal-administration of Schleswig.

The Danish Government lost no time in forwarding a rejoinder to the German communication, in which they stated at length the reasons which made it impossible to come at once to a definitive settlement. They endeavoured to prove by an historical retrospect of the question that the proceedings of the German Confederation and the threats of Federal Execution had made it impossible for Denmark to carry out fully the Proclamation of 1852, and they protested against the introduction into the discussion of the question of Schleswig, which they did not admit to be within the competency of the Confederation. They, however, defended the administration of that Duchy against the attacks of the German despatch, and reiterated their hopes that a settlement might be arrived at. M. Hall to Danish Ministers at Vienna and Berlin; December 26, 1861.

Her Majesty's Government urged the Danish Government to adopt a liberal policy towards Schleswig, but the latter maintained the impossibility of making any concessions to that Duchy before the Holstein affair was settled; and such concessions must, they said, be made *proprio motu*, and not in compliance with the demands of the German Confederation, which had no right to interfere in the relations between Schleswig and Denmark. To Mr. Paget, January 15, 1862. M. Hall to Danish Minister at Stockholm; January 20, 1862.

A despatch from the Swedish Government, supporting the views of Denmark, was communicated to Her Majesty's Government, and in replying to it Lord Russell, while admitting that Schleswig is no part of the Confederation, and can only be treated as part of a European kingdom, maintained that the King of Denmark was bound by his promises to Prussia and Austria, and that he should "enable himself to show to Germany and Europe that his promises of 1852 were scrupulously carried into execution; that his German subjects in Schleswig were equally with his Danish subjects the objects of his impartial protection; and that the local Diet of Schleswig, fairly elected and fairly constituted, has all the powers necessary for the well-being and social happiness of Schleswig." To Mr. Jerningham, January 15, 1862.

This despatch was communicated to the Danish and Prussian Governments. In the conversation which ensued on its communication to M. Hall, that Minister objected that the task set by Her Majesty's Government to Denmark was impossible to execute, and that Germany never would be satisfied. He maintained that all the promises made to Austria and Prussia had been already fulfilled; that with regard to the equality of Germans and Danes in Schleswig, it was not included in those promises, but only in the Royal Patent, Mr. Paget, January 22, 1862.

Lord A. Loftus, January 25, 1862.

which was not an international document; and he stated that the King intended to make concessions, but that he must choose his own time. Count Bernstorff, on the other hand, stated that no settlement could be accepted which did not include Schleswig, and that what Germany wanted was "political reform" in that Duchy, and that the engagements taken by Denmark comprised non-incorporation and equality of Schleswig, and these could not be fulfilled so long as the Reichsrath existed in its present form. Count Bernstorff contended that Denmark should give to Schleswig the same constitution as to Holstein, and Schleswig should cease to be represented in the Reichsrath; but in his (Count Bernstorff's) opinion, the only real solution of the question was to be found in the partition of that Duchy.

Mr. Paget, January 25, 1862.

The Rigsraad met on the 25th of January. The Royal speech notified the intention of the Government to grant greater freedom to Schleswig, especially a more popular foundation to its provincial institutions, which, it said, might be accomplished without danger to the peace and unity of the country when the settlement of the differences with the German Confederation had secured Schleswig against foreign intervention. With regard to the Budget, the speech stated that the Rigsraad would vote the common expenses only for Denmark and Schleswig.

Count Bernstorff to M. de Balan; February 8, 1862.

On the 8th of February the Austrian and Prussian Governments addressed a further joint note to Denmark, in which, after repeating their objections to the provisional character of the Danish proposals, they asked categorically whether the Danish Government did or did not recognize the binding character of the promises made by it in 1851-52 respecting Holstein and Schleswig, and whether it would or would not make these promises the basis of negotiation with the German Powers.

Count Bernstorff to M. Balan; February 8, 1862.

A further note was sent by the two Governments to Copenhagen, protesting against any legislation of the Rigsraad which would affect the relations of Schleswig to the kingdom.

To Lord A. Loftus, February 6, 1862.

On the 6th of February Lord Russell, in commenting on the language used by Count Bernstorff, as reported in Lord A. Loftus's despatch of January 25th, limited the demands which Austria and Prussia were entitled, in the opinion of Her Majesty's Government, to make, to the following:—

1. That the decrees of the German Confederation in respect to Holstein and Lauenburg should be obeyed.

2. That the provisions of 1851-52 should be scrupulously fulfilled.

Lord A. Loftus, February 15, 1862. Lord A. Loftus, February 22, 1862.

Count Bernstorff professed an entire concurrence with this opinion when Lord Russell's despatch was communicated to him, but in a further interview with Lord A. Loftus he re-asserted his opinion that to satisfy Germany the Reichsrath for Schleswig must be abolished, and reverted to the plan for a partition of Schleswig as the only real solution of the question.

M. Hall; February 20, 1862.

The Danish Government communicated a memorandum to Her Majesty's Government, in which their view of the Schleswig question was reasserted, and the danger of exciting faction and discord in Schleswig if the concessions were to be made in consequence of the unauthorized interference of Germany, was pointed out.

To Mr. Paget, March 14, 1862.

They maintained that the existing state of things were part and parcel of the Constitution of Schleswig, and could not be altered but by a vote of the Schleswig Diet. Lord Russell urged that that Assembly would joyfully accept such concessions if offered.

Mr. Paget, March 18, 1862.

These representations were, however, as fruitless as the former ones. M. Hall protested that the promises of 1851-52 did not extend to liberty of the press and of petition. He defended the Church and School system, and affirmed that it would require changes in the Schleswig Constitution to alter them. Such changes could not be made without the consent of the Schleswig Diet, and it was impossible to convoke that Diet until the situation produced by the recent proceedings of Austria and Prussia at Frankfort was cleared up.

Sir A. Malet, March 15, 1862.

The proceedings here alluded to were a proposition made by Austria and Prussia to the Committee of the Diet that that Assembly should express its approval of the recent despatches of the two Governments respecting Schleswig. The Danish Minister recorded his protest against these proceedings, and M. Hall stated that such an introduction of Schleswig into a Resolution of the Diet would be the first overt act of interference of the Diet in the affairs of Schleswig, and he added that any hostile measures taken in consequence of the proposition would be regarded by Denmark not as Federal Execution, but as war.

M. Hall to Ministers at Berlin and Vienna; March 12, 1862.

The Danish Government replied on the 12th March to the Austro-Prussian note of February 8. They declared their intention of adhering to the engagements of 1851-52, but denied the right of Germany to impose on Denmark her arbitrary interpretation of those engagements. They denied the right of Germany to interfere with the relations of Schleswig to the Monarchy, and stated that if the questions of Holstein and

Schleswig were treated together and the Diet subsequently took any active measures to enforce their demands, such measures not being confined to objects purely German, but partaking of an international character, would be considered by Denmark not as Federal Execution, but as war. They then demanded an explicit answer to their proposals of October 26, and ended by asking what the position really was which the Confederation claimed for Holstein.

The Danish answer was considered very unsatisfactory at Vienna and Berlin. The German Courts persisted in maintaining that the questions of Holstein and Schleswig could not be separated and that a settlement of the former could not be agreed to without an arrangement as to the latter, while Denmark protested against this doctrine, and especially against the introduction of Schleswig into the Report of the Committees of the Diet. This Report was, however, adopted by the Diet on the 13th of March. It is right to state that Count Bernstorff's plan for the partition of Schleswig was disapproved by the Austrian Foreign Minister, who, however, left the conduct of the negotiation with Denmark entirely in the hands of Prussia.

Lord Bloomfield, March 24, 1862. Lord A. Loftus, March 22, 1862. M. Hall to M. Bille, March 25, 1862. Sir A. Malet, March 28, 1862.

Count Platen, the Hanoverian Minister, having, at the request of Lord Russell, drawn up a memorandum of his views for the settlement of the Duchies question, Lord Russell forwarded it to Copenhagen and desired Mr. Paget to recommend to M. Hall's consideration two of the plans therein proposed.

To Mr. Paget, April 4, 1862.

The first of these was a plan for a general representation of the Monarchy in the Rigsraad elected in each portion of the Monarchy according to population, with the proviso that no resolution of the Rigsraad should pass without the assent of two-thirds of the Assembly.

The second proposed to substitute for the Rigsraad two Chambers: the one elected according to population and voting by a simple majority; the other a kind of Senate in which each State should be equally represented.

Mr. Paget was authorized, in case M. Hall was not totally averse to one or other of these plans, to proceed to Holstein and recommend them to the leading men of the Duchy, in the hope that Denmark and Holstein might together agree on the terms of an arrangement without the intervention of Germany.

Mr. Paget accordingly communicated the plans in question to M. Hall, who, however, condemned them as impracticable and declined to entertain them.

Mr. Paget, April 9, 1862.

Lord Russell about the same time addressed the French Government, urging the advantage of the Governments of Great Britain, France, and Russia coming to an understanding on the question, and suggesting the possibility of obtaining the concurrence of the Duchies in some plan of arrangement without the intervention of Germany.

To Earl Cowley, April 7, 1862.

A few days later he addressed an identic despatch to Paris, St. Petersburgh, and Stockholm, proposing that, in view of the dangers threatened to the integrity of Denmark by the recent Resolution of the Diet respecting Schleswig, the four Governments should call upon Austria, Prussia, and the Diet, for explanations as to their views and intentions respecting Schleswig. The French Government, however, declined to adopt the suggestions of Her Majesty's Government.

To Earl Cowley, April 16, 1862.

Earl Cowley, April 22, 1862.

The last note of the Danish Government to the German Powers remained unanswered, and early in May the Danish Government, in a note communicated to the four non-German Powers, complained bitterly of this delay, and intimated their intention of breaking off the negotiations and appealing to the non-German Powers if an arrangement was not shortly come to.

M. Hall to M. Bille, May 8, 1862.

Mr. Paget, May 6, 1862.

The Prussian Government, on the other hand, addressed an angry rejoinder to the Danish note of May 8th to their Representatives at the four Courts.

Count Bernstorff; June 27, 1862,

It was not until July that a draft of the answer to be given to the Danish despatch of the 12th March was laid before the Austrian Government by Prussia; and further delay occurred from an objection on the part of Austria to adopt the wording of the Prussian draft. Count Rechberg proposed simply to communicate to Denmark the adhesion of Austria to the Prussian despatch; but this not being considered satisfactory by Count Bernstorff, Count Rechberg proceeded to draw up a draft to be substituted for the Prussian one as an identic communication from the two Governments to Denmark.

Mr. Fane, July 10, 1862.

It was finally agreed that each Government should present its own communication, which was accordingly done on the 25th of August.

The Prussian despatch, after re-asserting the right of the Diet to insist on the fulfilment of the Danish engagements respecting Schleswig, proceeded to define the claims of Germany arising from the engagements of 1851-52, as follows:—

Count Bernstorff to M. de Balan; August 22, 1862.

1. An independent and equally privileged position for the various parts of the Danish Monarchy in regard to their separate affairs, and an organic and equal union of them

for their common affairs; no portion to be incorporated into or made subservient to another.

2. Equal rights for Holstein of voting the Laws and Budget common to the Monarchy.

3. The above condition to apply equally to Schleswig.

4. The principle of representation in the common organization to be such that the Duchies may not suffer from their numerical inferiority.

5. The Executive Government to be responsible to the Duchies as well as to the Kingdom.

6. The Duchies to be represented by an independent organ in the Executive.

7. The proposed organic institutions to be established by constitutional and legal means, with the co-operation of the Assemblies of each part of the Monarchy.

8. The non-political relations of Schleswig and Holstein to be maintained.

9. The rights of the University of Kiel to be protected.

10. Equal rights and effective protection to be granted to the German as well as the Danish nationality.

The points in which the engagements had been infringed were thus stated:—

1. The *de facto* closer connection of Schleswig with the Kingdom by which a preponderating influence is given to the latter.

2. The subordinate position of Holstein in regard to the common affairs, especially the Budget.

3. The systematic destruction of all natural and neighbourly relations between Schleswig and Holstein.

4. Non-observance of engagements respecting the University of Kiel.

5. The introduction of Danish employés and Danish clergy.

6. The oppression of the German nationality, especially in regard to language.

The demands which Prussia accordingly made were:—

1. Abolition of the common Constitution of October 1855.

2. The submission to the several Representative Assemblies of a new project of Constitution not based on the principle of universal representation.

3. The concession of equal influence in the common affairs to the several Local Assemblies. Until the General Assembly is constituted, the Government to be equally responsible to each of them.

4. The *status quo ante* of 1848 with respect to language to be provisionally introduced into Schleswig, until a new law is passed with the sanction of the Schleswig Assembly.

Memorandum by Count Rechberg; August 25, 1862.

The Austrian communication, which was in the form of a Memorandum, contained a long historical retrospect of the different phases of the question since 1846, and laid down the following points as the fundamental conditions of a settlement:—

1. That a new Constitutional Law for Common Affairs should be agreed to by the several Assemblies.

2. That a provision should be introduced for protecting the German element in this new Constitution from the numerical majority of the Danes.

3. That all Decrees and administrative measures oppressive to the Germans in Schleswig should be abolished, and the question of language, &c., regulated in concert with the Schleswig States.

Mr. Manley, September 18, 1862.

The proposals of Austria and Prussia met with no better success at Copenhagen than the former communications of those Governments, and on the 24th September, Lord Russell, on the part of Her Majesty's Government, addressed to the Courts of Vienna, Berlin, and Copenhagen, new proposals for the settlement of the question.

To Mr. Paget, Mr. Lowther, and Mr. Fane; September 24, 1862.

These proposals are thus summed up by Lord Russell:—

1. Holstein and Lauenburg to have all that the German Confederation ask for them.

2. Schleswig to have the power of self-government, and not to be represented in the Reichsrath.

3. A normal Budget for ten years to be agreed upon by Denmark, Holstein, Lauenburg, and Schleswig. Its distribution to be confided to a Council of State formed two-thirds of Danes and one-third of Germans.

4. Any extraordinary expenses to be submitted to the Rigsraad, and to the separate Diets of Holstein, Lauenburg, and Schleswig.

Count Rechberg; October 29, 1862. M. Bismark; October 27, 1562 M. Hall; October 15, 1862.

The above proposals were submitted to the Cabinets of Vienna, Berlin, and Copenhagen. The Austrian and Prussian Governments expressed their readiness to accept them as the basis of a settlement, and to recommend them as such to the Diet.

The reply of the Danish Government was unfavourable. They stated that they were prepared to consent to the vote of the common Budget and common laws by the Holstein

States, provided the eventual position of Holstein should be clearly defined, and the relations of Denmark with the Confederation be placed by this sacrifice on a permanent basis. But with regard to the proposals affecting Schleswig they declined to entertain them, on the ground that the concessions to that Duchy must be made by the King's free will; and they rejected the proposal for the abolition of the Common Constitution of Denmark and Schleswig on the ground that it would lead to the dismemberment of the Monarchy.

Lord Russell replied to the objections of the Danish Government, further explaining his views respecting the proposals and urging their adoption. Reverting to the grievances of the Duchy of Schleswig, the existence of which were, he said, established by the admissions of M. Bille made personally to him, and the report of a British Agent specially sent by Her Majesty's Government to that Duchy (Mr. Rainals), he stated that in view of the repeated refusal of Denmark to remedy these grievances, it had become necessary for Denmark to select one of the four following courses:— To Mr. Paget, November 20, 1862.

1. To allow the present state of uneasiness and danger to continue till it ended in some violent explosion.

2. To adopt a common Constitution, in which the German element would have more weight than mere numbers would give it.

3. To divide Schleswig into two parts, of which one to be German, and closely connected with Holstein, and the other to be Danish, and incorporated with Denmark.

4. To adopt a plan framed upon the basis of the proposals of September 24.

Her Majesty's Government thought the last course the most favourable to the integrity and independence of Denmark, and therefore most in accordance with the Treaty of London.

Early in November the Danish Government had sent answers to the last despatches of Austria and Prussia, and had laid down the three following points as embodying their views:— M. Hall to Danish Representatives at Vienna and Berlin; November 6, 1862.

1. That the secession of Holstein and Lauenburg from the common Constitution which was the result of a Decree of the German Confederation, does not affect the legality of the Constitution of Denmark and Schleswig.

2. That the only new constitutional arrangement which the Danish Government can entertain is to give to the Holstein States "a legislative and financial authority in common affairs by the side of and in conjunction with the existing Rigsraad for the other parts of the monarchy that do not belong to the German Confederation."

3. That the internal relations of the Duchy of Schleswig, including the language regulations, cannot be subjects of investigation or discussion on the part of the Confederation.

Lord Russell, in remarking on these points, stated that he considered them less advantageous to the real interests of Denmark than his proposals, as under such a system the Holstein States would be less likely to grant supplies for military and naval expenditure; and he thought that the result of this plan, which was intended to withdraw all German influence from the Government of Denmark proper and Schleswig, would be to enfeeble and impair the Danish Monarchy as a whole. To Mr. Paget, November 26, 1862.

M. Hall replied that he would prefer trusting to the normal Budget, which, according to his plan, would be secure, to submitting a new one to the four Assemblies as proposed by Lord Russell, which might lead to the refusal by Holstein of any supplies whatever for the navy. Mr. Paget, December 10, 1862.

On receiving the Danish note the Prussian Government intimated its intention of discontinuing the negotiations for the present, and of making a communication to the Diet, in which the proposals of Her Majesty's Government should be recommended as the basis of an arrangement. A proposal in this sense was accordingly made to the Vienna Cabinet, and agreed to by them. Lord Bloomfield, December 11, 1862.

The intentions of the Danish Government as to its future course of action are, according to Mr. Paget,—"To convoke the Holstein States, and to submit to them their quota of the common Budget for the present financial period, as well as other laws of common interest. If the credits are refused, and the laws rejected, a complete separation of Holstein from the rest of the Monarchy, save and except the union of the Crown, will be the probable result. The States of Schleswig to be also assembled, a project of Constitution by which the liberty of the press, right of meeting, &c., will be guaranteed, to be offered to them. A new electoral law to be also proposed to them, on the acceptance of which the ultimate promulgation of a new Constitution will probably be made to depend." Mr. Paget, November 25, 1862.

Mr. Paget recently reported that the Russian Minister having by order of his Government urged M. Hall to accept the proposals of Her Majesty's Government as a basis of arrangement, was convinced by the language of that Minister that it was hopeless to Mr. Paget, December 24, 1862.

attempt to obtain from the Danish Government any departure from the line of policy they had laid down.

To Mr. Paget, January 6, 1863.

Lord Russell, in replying to Mr. Paget on the 6th January, stated that he entirely agreed with this opinion, and that Her Majesty's Government being interested in the question only in so far as it concerned the peace of Europe and the welfare of Denmark, would be happy to find that the propositions to be made by the Danish Government to Holstein and Schleswig fulfil the expectations and meet with the acceptance both of Holstein and of Schleswig.

Mr. Jerningham, December 29, 1863.

The Swedish Government objected to Lord Russell's proposals on the ground that it would be impossible for the Danish Government to manage four Parliaments; but Count Manderström, in conversation with Mr. Jerningham, expressed a hope that a satisfactory arrangement might ultimately grow out of them. He admitted that the Danish Government had not fulfilled their engagement to place the Germans in Schleswig upon an equal footing with the Danes, and stated that he had expressed, and should continue to express, an opinion to that effect at Copenhagen, as he thought that the worst consequences might result from the persistence of the Danish Government in the non-fulfilment of their engagements, whereas when they had once fulfilled them they might fearlessly challenge public sympathy.

Earl Cowley, November 4, 1862.

The French Government have given merely a general support to the principles embodied in Lord Russell's proposals.

A Decree has been signed for the assembly of the Holstein States.

The answer of the Danish Government to Lord Russell's despatch of the 20th November was communicated on the 10th January. With regard to Holstein, the despatch touches on the concession of a vote in the common affairs, which it characterizes as "a notable sacrifice extorted by the force of circumstances," and not a duty, as stated by Lord Russell; and it defines the limits of the power of the Confederation over its members. With regard to Schleswig, the despatch goes again over the old ground, and asserts that the Confederation has no right to interfere, and that the engagements taken by Denmark have been carried into effect. It defends the administration of Schleswig, and throws doubts on the correctness of the report alluded to in Lord Russell's despatch. Finally, it states the following as the only course left open to Denmark:—

1. To accept the necessity of granting to the Holstein States the position which the Frankfort Diet exacts, but with the reserves necessary to prevent that province becoming the master and arbiter of the destinies of the remainder of the Monarchy.

2. Schleswig to remain out of the action of the Confederation, and to preserve her constitutional relations with the kingdom for common affairs.

The first point, the despatch concludes, will remove all pretext for a Federal Execution in Holstein. The second is a condition indispensable to the existence of a Danish State.

To Mr. Paget, January 21, 1863.

Lord Russell replied in a despatch to Mr. Paget, dated the 21st of January. His Lordship therein stated that Her Majesty's Government saw no advantage in prolonging this controversy, but mentioned the following points for Mr. Paget's guidance in case of any future conversation with M. Hall on the question of the Danish Duchies:—

That the recent negotiations between Austria, Prussia, and Denmark, were brought about in 1861, by Her Majesty's Government, in order to avoid a Federal Execution;

That these negotiations having produced no result, his Lordship had given to Mr. Paget, at Brussels, in the beginning of September, an outline of the plan of settlement subsequently developed in his despatch of the 24th of that month. That had that plan been adopted, it might have averted interference on the part of Germany, and given time for the passions excited to cool down;

That the Danish Government had a perfect right to refuse this proposal, but that Her Majesty's Government must still consider that there were certain engagements of the King of Denmark which he was bound in honour to fulfil, and that it was not for His Majesty's interest any more than for his reputation to place his German subjects in a situation inferior to that of his subjects of Danish origin, either as privilege or as to favour.

RETURN to an Address of the Honourable The House of Commons, dated 30 June 1863;—*for*,

A "RETURN of the CONTRIBUTION which it was agreed should be Paid by the REPUBLIC of the SEVEN ISLANDS to *Great Britain* at the time these Islands were placed under British Protection; and, in addition, stating the following Particulars:—

Original Amount of Contribution;
Any Diminution of Original Amount agreed to by *Great Britain*;
Date of such Agreement;
Arrears of Contribution then due;
Any further Diminution, and Date of each;
Amount of Additional Arrears then due;
Amount of Contribution now paid by *Ionian Islands*;
Amount of Additional Arrears now due since last Diminution;
Total Arrears of Contribution due by the *Ionian Islands* to *Great Britain*."

Original Amount of Contribution.	Any Diminution of Original Amount agreed to by Great Britain. — Date of such Agreement.	Arrears of Contribution then due.	Any further Diminution, and Date of each. — Amount of Additional Arrears then due.	Amount of Contribution now paid by Ionian Islands.	Amount of Additional Arrears now due since last Diminution.	TOTAL Arrears of Contribution due by the Ionian Islands to Great Britain.
				£. s. d.	£. s. d.	£. s. d.
The Treaty of Paris (1815) provided that a Convention with the Government of the Ionian Islands should regulate the amount of contribution according to the revenues of the Ionian States. It was not, however, till 1834 that such a Convention was made, when the sum fixed was 35,000 *l.* per annum. But the payments for Military Protection commenced in 1818, and from that year to 1849 the "average" annual payment amounted to 26,000 *l.*	In 1849 the annual amount of contribution was fixed at 25,000 *l.**	Arrears of contribution in 1849: £. s. d. 67,227 1 8	No further diminution in annual amount of contribution.	25,000 – –	23,062 3 11	90,289 5 7

* In 1855 and 1856 a sum of 5,000 *l.* was granted for each of those years from the stipulated amount, for the relief of distress in the Ionian Islands.

Colonial Office,
21 July 1863.

C. FORTESCUE.

IONIAN ISLANDS (PAYMENT OF CONTRIBUTION).

RETURN of the CONTRIBUTION which it was agreed should be paid by the REPUBLIC of the SEVEN ISLANDS to *Great Britain* at the time these Islands were placed under British Protection; &c.

(*Colonel Dunne.*)

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1863.

No. 3.

DESPATCH

RESPECTING THE

UNION OF THE IONIAN ISLANDS

WITH

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

Despatch respecting the Union of the Ionian Islands with Greece.

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*Earl Russell to Lord Bloomfield.**

My Lord, *Foreign Office, June* 10, 1863.

THE time is at hand when Her Majesty's declaration of her readiness to consent to the union of the Ionian Islands with Greece, if the Ionian Islands should themselves desire that union, must be followed by practical measures; and Her Majesty's Government are anxious, before taking further steps, to free the subject from ambiguity. As, therefore, some unfounded notions are entertained with respect to those Islands, it may be useful that I should call your Excellency's attention to the truth regarding their position, their rights, and their future condition.

The Ionian Islands are not, as some persons appear to suppose, a part of the possessions of the British Crown. They form the Republic of the Seven Islands, placed by Treaty under the protection of the Sovereign of the United Kingdom, his heirs and successors.

The manner in which these Islands came under the protection of the British Crown is well known to all those who are acquainted with the European transactions of 1815. Provisions relating to them were not included among the Articles of the General Treaty concluded at Vienna in the month of June of that year. But on the 4th of June of that year, the Plenipotentiaries of the four Powers, Austria, Great Britain, Prussia, and Russia, being assembled, recorded in a Protocol what had passed at their Conference of that day.

The Plenipotentiary of Austria declared that the question of the possession of the Ionian Islands being connected with the tranquillity of Italy, and of the former Venetian Provinces, the Court of Austria would charge itself with the protection of these Islands, and would guarantee to them the maintenance of their laws and privileges.

But the Plenipotentiaries of Russia said, that desiring nothing else than to assure to the inhabitants of those Islands the happiest lot, and that most appropriate to their situation, they thought it their duty to promote the wish of the inhabitants of those Islands, that they should remain under the protection of Great Britain. The Plenipotentiaries of Russia also remarked that Count de Capodistrias, who had been charged specially with this matter, being absent, they could not then make any definitive arrangement, and they proposed an adjournment; and this proposal was finally adopted.

It is well known that Count de Capodistrias, who at that time enjoyed great favour with the Emperor Alexander, was zealous in behalf of the nationality and freedom of his countrymen. Knowing that the Ionian Islands could not stand alone as an independent State, he wished to place them under the protection of Great Britain, whose institutions, framed on principles of liberty, he desired to see established among a people of Greek habits and language.

These desires of Count de Capodistrias were, by the influence of the Court of Russia, and with the consent of Great Britain, accomplished by the Treaty of Paris of November 5, 1815, between Great Britain, Austria, Russia, and Prussia.

The preamble of this Treaty recites that the Powers concerned, "animated by the desire of prosecuting the negotiations adjourned at the Congress of Vienna, in order to fix the destiny of the Seven Ionian Islands, and to ensure the independence, liberty, and happiness of those Islands, by placing them and their Constitution under the immediate protection of one of the Great Powers of Europe, have agreed to settle definitively by a special Act whatever relates to this object, &c."

The First Article of this Treaty declares that "the Islands of Corfu, Cephalonia, Zante, Santa Maura, Ithaca, Cerigo, and Paxo, with their Dependencies, such as they

* Similar despatches were addressed to Earl Cowley, Sir A. Buchanan, and Lord Napier.

were described in the Treaty between His Majesty the Emperor of all the Russias and the Ottoman Porte, of the 21st of March, 1800, shall form a single, free, and independent State, under the denomination of the United States of the Ionian Islands."

The Fourth Article declares that "the Lord High Commissioner of the Protecting Power shall regulate the forms of convocation of a Legislative Assembly, of which he shall direct the proceedings, in order to draw up a new Constitutional Charter for the State, which His Majesty the King of the United Kingdom of Great Britain and Ireland shall be requested to ratify."

The Fifth Article is as follows :—

"In rder to ensure without restriction to the inhabitants of the United States of the Ionian Islands the advantages resulting from the high protection under which these States are placed, as well as for the exercise of the rights inherent in the said protection, His Britannic Majesty shall have the right to occupy the fortresses and places of those States, and to maintain garrisons in the same."

A like provision places under the order of the Commander-in-chief of the troops of His Britannic Majesty the military force of the said United States.

It appears clear from these provisions that the intention of the High Allied Powers was to found in the Seven Islands a free, independent State, which, by the protection of so powerful a country as Great Britain, might develop its resources without fear of external aggression or internal anarchy.

It appears, also, from the Fifth Article that the main object of the stipulation placing the fortresses in the hands of Great Britain was to insure "to the inhabitants of the United States of the Ionian Islands the advantages resulting from the high protection under which the States are placed."

The Constitution established in execution of the Articles of the Treaty contained in its Fourth Article a provision that "the established language of the States is Greek," thus showing conclusively that the intention of Count de Capodistrias to create a Greek nationality was steadily kept in view by Great Britain, as the State entrusted with the Protectorate.

The British Government having received this trust, have endeavoured faithfully to discharge the duties imposed upon them by the Allied Powers. In spite of many obstacles, they have ameliorated in all respects the condition of the inhabitants. With regard, however, to the exercise of the constitutional functions of the Lord High Commissioner and the Legislative Body, complete harmony has seldom prevailed between them. But the great change which took place in the condition of some of the neighbouring Turkish Provinces, when the Greek people of those Provinces asserted their independence, altered materially the political condition of the inhabitants of the Seven Islands. From that time the sympathies of the Ionian people began to turn towards Greece, and when the Greek Kingdom became a recognized State of Europe, the wish to be politically united with men of their own race took root among the people of the Ionian Islands.

This wish has been often laid hold of as a pretext for factious opposition; it has been expressed since 1850, at times when Great Britain could not listen to it without yielding to projects of ambition very foreign from the freedom of Greece. But in its origin and tendency there is something in this Ionian wish of union with Greece which must obtain the respect of the British nation.

A love of independence in union with a kindred race has in itself claims to regard from a nation which prides itself on its love of freedom.

It is thus that, with a view to strengthen the Greek Monarchy, to fulfil the original objects of the foundation of the Ionian Islands as a State, and to comply with the wishes frequently, though irregularly, expressed in the Ionian Islands themselves, Her Majesty's Government have declared their readiness to consent to the union of the Ionian Islands with Greece.

Her Majesty's Government are not insensible of the value of Corfu as a maritime and military station, nor are they unaware of the apprehensions felt in Austria and Turkey at the prospect of the abandonment of the Ionian Islands by Great Britain. It has been suggested in England that Corfu might be retained while the other Islands might be given up. But Her Majesty's Government conceive that it would be a perversion of the trust confided to them by Europe, and a breach of faith towards the Ionian people, if Great Britain were to turn a portion of a single free and independent State under her Protectorate, into a part of her military possessions, and to make Corfu an element of her European power.

Her Majesty's Government propose, therefore, now that a King of Greece has been recognized by the protecting Powers, to consult in the most formal and authentic manner the wishes of the inhabitants of the Ionian Islands as to their future destiny. If those

wishes, deliberately expressed, should be in favour of a union with Greece, Her Majesty's Government would propose that, with a view to considering the future condition of the Ionian Islands, a Conference should be assembled, to consist of the Representatives of the Powers who signed the Treaty of November 1815, and of the protecting Powers who, in 1827 and 1832, signed the Treaties by which the Kingdom of Greece was constituted.

I am, &c.

(Signed) RUSSELL.

P.S.—You are desired to read and give a copy of this despatch to Count Rechberg.

R.

GREECE. (No. 3.)

Despatch respecting the Union of the Ionian Islands with Greece.

Presented to both Houses of Parliament by Command of Her Majesty. 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

PAPERS

RELATING TO

BRIGANDAGE IN ITALY.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

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Papers relating to Brigandage in Italy.

No. 1.

Mr. Odo Russell to Earl Russell.—(Received December 18.)

(Extract.) *Rome, November 24, 1862.*

THE Bourbon Committee have lately sent a further detachment of 260 men to join Tristani's Band on the frontier.

They were well armed and wore blue overcoats and red trowsers, so as to look like French soldiers at a distance, and thereby deceive the Italian outposts and patrols.

The men enlisted are chiefly Bavarians, Belgians, and Spaniards. Tristani's head-quarters are, according to circumstances, either at Santa Francesca or at Strangolagalli, and he draws his rations and supplies from Veroli.

It is difficult to understand for what object the Bourbon Committee continue to keep up and organize these useless bands of foreigners, who, beyond annoying the inhabitants of the Neapolitan frontiers, have achieved no other result than to discredit the cause of King Francis II.

No. 2.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, December 27, 1862.*

HER Majesty's Government have freely and candidly expressed their opinion to the Government of the Emperor respecting the French occupation of Rome. Her Majesty's Government have no desire to pursue that argument further for the mere purpose of controversy.

But upon a question closely connected with the French occupation of Rome, Her Majesty's Government must, in justice to the interests of Italy and of Europe, call upon the French Government to interfere with the Pope's advisers.

The Pope himself, with the benevolence which is characteristic of him, has always held that his temporal dominion ought to be a territory free from foreign quarrels and sanguinary conflicts. In this spirit, in 1848, he declared in his allocution of April 29, that he would take no part in the war of Italian independence. The passage alluded to is as follows:—"It is wholly abhorrent from our counsels, seeing that we, although unworthy, discharge on earth the office of Him who is the author of peace and lover of charity, and agreeably to the duty of our Supreme Apostleship regard and embrace, with equal paternal earnestness of love, all tribes, peoples, nations."

In the same spirit, when the Bishops of the Roman Catholic Communion from all parts of the world went to Rome, in the course of this present year, they described Rome, in an address to the Pope, as the seat of a temporal authority, independent of any other; "the centre, as it were, of universal concord; a place where no human ambition breathes; where no one ever intrigues for territorial dominion." They remind the Pope of his own words, that "it is by a special disposition of Divine Providence that the Roman Pontiff, established by Christ the centre and chief of His whole Church, possesses a temporal power."

If the French army at Rome protected a Power thus holy, religious, and charitable, the evils of the French occupation would be in some degree mitigated. But there is a long distance between the theory thus stated and the existing fact. The political banditti who infest the southern provinces of Italy have their head-quarters at Rome. They constantly issue from haunts rendered secure for them by the cover of the French flag, to destroy whole villages, and to murder the peaceful farmers of the south. A detachment of

260 men lately went from Rome well armed, and clothed in blue overcoats and red trousers, in order that they might look like French soldiers, and thereby deceive the Italian outposts and patrols.

If such detachments of robbers were to be sent from Switzerland into Lombardy, the Italian Government would at once protest, and the Swiss Republic would at once put an end to such an unfriendly proceeding.

At Rome, however, things are done in a different way; and the high dignitaries about the Pope's person, as well as his illustrious guest the late King of Naples, are believed by the world in general to be the instigators of these incursions.

It is obvious that if the Roman Government were really independent, it would be at once called to account by the King of Italy for these aggressive and unjustifiable proceedings, and would not venture to disregard his just and well-founded remonstrances.

The continuance of these barbarous outrages is therefore an evil entirely owing to the French occupation of Rome, and it would cease at once if proper orders were given by the French Minister of War to the General commanding the French troops in the Roman territory. The Minister of War has but to say peremptorily "Let brigandage cease," and the Roman banditti would be extinguished in a fortnight.

Her Majesty's Government cannot refrain from submitting to that of France that the Government of the Emperor ought either to leave the Roman State to settle its own quarrels, and to atone for its own misdeeds, or it ought to insist upon a behaviour on the part of the Pope which shall be peaceable towards his neighbours, and in conformity with that impartial love and universal charity professed in words by Pius IX, but utterly disregarded in action by his Minister.

Your Excellency may read this despatch to M. Drouyn de Lhuys.

I am, &c.

(Signed) RUSSELL.

No. 3.

Earl Cowley to Earl Russell.—(*Received December* 31.)

Paris, December 30, 1862.

My Lord,

I READ yesterday to M. Drouyn de Lhuys your Lordship's despatch of the 27th instant, relating to the evils resulting from the political brigandage which is organized at Rome against the southern provinces of Italy, and which Her Majesty's Government consider it to be the duty of the French troops, as long as they occupy Rome, to put down and prevent.

M. Drouyn de Lhuys said that he had no objection to make to the general principles laid down in your Lordship's despatch, and he could assure me that the Prince de la Tour d'Auvergne had gone to Rome with very strong instructions upon this important subject. He would state, further, that the opinions of the French Government had been conveyed to the Pope, to Cardinal Antonelli; and to the ex-King of Naples, in a manner which he could not but hope would produce a proper effect. There was, no doubt, great exaggeration as to the extent of the evil complained of, but evil, he could not deny, there was; and he would take this opportunity of renewing, in pressing language, the instructions with which M. de Latour d'Auvergne was, as he had stated, already furnished.

I have, &c.

(Signed) COWLEY.

No. 4.

Mr. Odo Russell to Earl Russell.—Received January 28.)

Rome, January 14, 1863.

(Extract.)

YOUR Lordship has learnt that General Count de Montebello denies, in the most positive manner, the truth of the statement relative to the passage of brigands over the frontier, contained in my despatch of the 24th of November last.

Reliable as my informants appeared to me to be, I must now suppose that they were in this case themselves deceived, and I regret to have unwittingly sent incorrect information to your Lordship.

I also regret to say that I found General de Montebello somewhat annoyed at the occurrence. He said that, by supposing that men could be armed and equipped in Rome,

and sent to the frontier without his knowledge, I had blamed his military administration of Rome; but that criticism was a matter of indifference to him, so long as his own conscience and sense of duty were satisfied.

I told the General how much I regretted that any statements of mine should have been a cause of annoyance to him; that I had made them on what I considered good authority; and that similar statements formerly made by me, had been entirely confirmed by his predecessor, General de Goyon. The means employed, I said, by the Legitimist Committee, to send men and arms to the frontier, had formerly been as follows:—

The men were sent singly on foot to certain convents on the frontier, while old French uniforms were bought from the Jews in the Ghetto, and as well as arms and other equipments, carried bit by bit to isolated vignas in the Campagna, and at night packed in old herring casks, and gradually conveyed to the frontier, where they were distributed to the men already there assembled.

The General said he had entirely put an end to such proceedings; besides which, he now had the full co-operation of the Papal Government to put down brigandage, and that he could assure me on his honour that armed men could no longer leave Rome and proceed to the frontier without his knowledge, and that I had therefore been misinformed, and the statements sent home by me, and communicated by Earl Cowley to M. Drouyn de Lhuys, would prove to be incorrect.

I replied that I was glad to hear from him that he was so successful in putting down brigandage, and I hoped he would occasionally give me some correct information on these subjects as his predecessor, General de Goyon, had done.

Count de Montebello replied that he would do so, and that for the present he could tell me that Tristani's band was reduced to about sixty men, and would probably soon be altogether disbanded and destroyed; that in Rome he had put a stop to all communication between Tristani and his employers, and that he had lately seized and confiscated, in a Roman printing establishment, about 2,000 copies of a printed Proclamation calling upon the Neapolitans to rise and join their legitimate Sovereign, King Francis II.

ITALY.

PAPERS relating to Brigandage in Italy.

Presented to both Houses of Parliament by Command of Her Majesty. 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

ORDINANCE AND CORRESPONDENCE

RESPECTING

EXTRADITION OF CRIMINALS

BETWEEN

ITALY AND MALTA.

1861—63.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated February 10, 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

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RETURN to an Address of the Honourable the House of Commons, dated February 10, 1863;
for—

"Copies of an Ordinance of the Governor of Malta, dated the 9th day of January, 1863, regarding the Extradition of individuals charged with having committed certain offences in Italy.

"And of any Correspondence between Her Majesty's Government and the Government of King Victor Emmanuel relating to the same subject."

No. 1.

Mr. Elliot to Mr. Hammond.—(*Received November* 30.)

Sir, *Downing Street, November* 29, 1861.

I AM directed by the Duke of Newcastle to transmit to you, for the consideration of Earl Russell, a copy of a despatch from the Governor of Malta, forwarding copies of a correspondence he had received from Mr. Slythe, Consul at Malta for the King of Italy, relative to the expulsion of three Sicilian criminals from the Island; and I am to request that you will state to his Lordship that his Grace proposes, with his concurrence, to authorize the Governor of Malta to pass an Extradition Ordinance, providing, under the usual limitations, for the delivery of Italian subjects charged with having committed offences against the law in Italy.

I am, &c.
(Signed) T. FREDK. ELLIOT.

Inclosure 1 in No. 1.

Sir Gaspard le Marchant to the Duke of Newcastle.

My Lord Duke, *Palace, Valetta, November* 6, 1861.

I HAVE the honour to submit, for your Grace's consideration, the inclosed copy of a letter I have received from Mr. Slythe, Consul at Malta for His Majesty the King of Italy, giving cover to an original despatch from the Secretary-General at Palermo to the Minister of the Interior at Turin, with three certificates from the Grand Criminal Court at Syracuse.

2. Your Grace will see that Mr. Slythe submits the expediency of ordering the movements of the three Sicilians named in this correspondence, and now resident in Malta, declared to have been guilty of crime of the gravest character, to be watched by the police should their expulsion from the island be found to be impracticable under existing Treaties; and in compliance with Mr. Slythe's request I instructed the Superintendent of Police to take with regard to these individuals every measure, consistent with local law, which might prevent their doing any wrong whilst resident in Malta, either to their own countrymen or to the local community; and I replied to Mr. Slythe to this effect, a copy of which letter I have the honour to inclose.

3. The concluding paragraph of the Secretary-General's despatch to the Minister of the Interior at Turin requests the Minister to endeavour to obtain from the Government of Great Britain the extradition of the Sicilians in question; but there being no Treaty of this description at present existent between the two Governments, I have not been enabled to enter into the views of the Italian Government further than by issuing the instructions to the Superintendent of Police quoted in paragraph 2.

4. I consider it, however, to be my duty to bring these papers before the consideration of your Grace, for any measures that Her Majesty's Government might deem it proper to take with a view of preventing the continuation of a state of things mischievous alike to the Italian as to the local Governments. The vicinity of Malta to Sicily, and the facility with which criminals can cross, as indeed they frequently have crossed, from the one country to the other, and the local laws and regulations of police only requiring of any foreigner landing in this island, even should he land clandestinely and without a passport (unless they break any sanitary regulation), a guarantee within two days, which is most easily obtained, it is evident that these two united contingencies afford unusual facility of ingress for criminals escaping from justice; whilst in the absence of any extraordinary Treaty or other means of compulsory egress, they become permanent residents in Malta as long as they please, and thereby I conceive cannot but be very injurious to the limited

community of this island, which, I must add, has for some time been the refuge of many criminals from either of the Two Sicilies.

I have, &c.
(Signed) J. GASPARD LE MARCHANT.

Inclosure 2 in No. 1.

Mr. Slythe to Sir V. Houlton.

Consulate at Malta of His Majesty the King of Italy,
Sir, *La Valetta, October* 31, 1861.

I HAVE the honour through you to submit to and call the attention of his Excellency the Governor to the contents of a despatch I have received from the Minister of Foreign Affairs of the Government I have the honour to represent, bearing date the 6th instant, from which it would appear that the Lieutenant-General of the Sicilian Provinces has reported to the Minister, that Vicenzo Gulino Solaro, Paolo Cianci, and Michele Misseri Tuppetto, natives of Canicattini, within the district of Syracuse, in Sicily, guilty of many murders, as well of public officers as of private individuals, and thefts innumerable, have, after twice defeating the vigilance of the Sicilian police, taken refuge at Malta, whence they are in the habit of occasionally making incursions to the opposite coast of Sicily to glut their thirst for blood, rapine, and revenge; and as recently as the 12th of June last, all three landed from Malta at Canicattini, from which place they got into the interior, and after committing more murders and atrocities retreated afresh to Malta, where, in the absence of any Treaty of extradition of criminals, they enjoy a security from molestation, which enables them there to plan new crimes of murder and robbery, and watch opportune moments for their diabolical execution in Sicily.

In proof of the dangerous character of the individuals in question, I inclose you, for his Excellency's perusal, the original despatch to the Foreign Minister of the Secretary-General of the Minister of Public Security at Palermo, dated the 24th September last, and three certificates, therein referred to, from the Chancellor of the Grand Criminal Court of Syracuse, containing a schedule of the atrocious crimes which stand recorded against these three individuals.

His Excellency the Minister of Foreign Affairs has desired me to put the British authorities on their guard, and to concert such measures with the same as will tend to protect the subjects of His Majesty on the opposite coast of Sicily from the further visits and criminal acts of these malefactors; the very fact of their being guilty of the atrocious crimes recorded against them, rendering it highly necessary that all their movements be at least vigilantly watched by the police of Malta, if their expulsion therefrom is impracticable under existing Treaties: and if their exile from this island can be accomplished, I will willingly defray the expense of their transport to any place more distant than Malta from the southern coast of Sicily, where the inhabitants hold them in the greatest possible terror.

I have, &c.
(Signed) ROBERT SLYTHE.

Inclosure 3 in No. 1.

Signor Marengo to the Minister of the Interior.

(Translation.)
Excellency, *Palermo, September* 24, 1861.

THREE individuals stained with the blood of a great number of victims and with every species of crimes, having twice escaped the vigilance and the searches of the public force, but not those of the Courts of Justice, which, in consequence of the institution of many proceedings against them, has subjected them to a writ of deposit, have taken refuge in the neighbouring island of Malta, whence they threaten to return when want of stealing to support themselves, or thirst for human blood by way of mean revenge, will impel them to leave that asylum, which is considered as much safe for them as it is injurious to Sicily.

Vincenzo Gulino Solaro, Paolo Cianci, and Michele Misseri Tuppetto are the three very wicked men whom justice is seeking for, in order to avenge humanity offended and to secure it against further slaughter already meditated, but not yet accomplished, owing to the above-mentioned individuals having been pursued by the public force.

The first two of them on the 11th of February last, in broad daylight, at Canicattini, after long premeditation fired twice at a certain D. Salvatore Vuscica, of the same commune, in consequence of which he died after a few hours. The third killed on the same day, and with a fire-arm, the Delegate of Public Safety of that place, D. Gaetano Rossitto.

The force pursued them from one country to another, but it was not possible to take hold of them; and with the assistance of their numerous relations they embarked for Malta, a place of refuge not unknown to Gulino, who for a long time resided there under the Bourbons to escape justice, which was to condemn him for an aggravated theft committed to the damage of the killed Vuscica.

On the 12th of June last the three wicked persons above-named returned from Malta to Sicily, and precisely to Canicattini, with the intention of committing thefts to the damage of their countrymen, and of revenging themselves on some civilians for whom during the late revolutionary vicissitudes they had conceived an implacable hatred. In fact, on their arrival at Canicattini, their first design was to take unawares a number of civil persons who were wont to meet and stay for a while at a place opposite to the dwelling-house of certain individuals named Gosso, brothers; and they would have succeeded in their wicked purpose if a brother of Cianci, terrified, had not given notice to the designated victims.

Having failed in this serious attempt, and being pursued by the force, they went wandering about the country, where they committed every kind of assassination till, being still more pursued by the force, they found means to return safely to the neighbouring island of Malta.

In order not to enlarge upon the narrative of the numerous crimes committed by these individuals previously to their departure, as well as after their return, I deem it expedient to transmit to your Excellency the certificates of search with regard to them, and which have been procured from the High Criminal Court of Syracuse, from which documents all charges against them legally result.

Now, it being proper that these individuals should not be left unpunished for so many excesses, and there being ground to apprehend that they, emboldened by such impunity, and protected by the connections they have in their native country, may propose once more to return to this island to quench their ardent thirst for blood and plunder, I deem it expedient to address your Excellency with a request that you will, unless you shall in your wisdom think otherwise, use such means as may lead to obtain from the Government of Great Britain the extradition of the above-named individuals whose perverse character may also be injurious to its subjects.

The Secretary-General,
(Signed) ENRICO MARENGO.

Inclosure 4 in No. 1.

Certificates.

(Translation.)

High Criminal Court residing at Syracuse.

THE Chancellor of the said High Court certifies that, a search having been made in the Registers of Crimes and Offences existing in the Chancellor's Office of the said High Court, from the 1st of January, 1855, up to the present day, with respect to Vincenzo Gulino Solaro, son of Santo, a native of Canicattini, he has been found to be charged with theft, aggravated by time and means, to the damage of Antonio Sipola, of an attempt of theft, aggravated by time and means, to the damage of Sebastiano Cuttiera, and with having escaped with violence from the prisons of Canicattini: that by a decision pronounced in his default by this High Court on this 23rd of March, 1860, he was declared to be under a charge of the aforesaid offences, and his name ordered to be inscribed in the register of absent offenders;

With aggravated thefts to the damage of D. Salvatore Vuscica, Corrado Lanza, Paolo Miano Bafali, Salvatore Papa, Pasquale Vasquez, and Michele Uccello, and with an attempt to murder Antonio Caruso: that this High Court on the 26th of July, 1859, issued an order of arrest against him for the thefts committed to the damage of Vuscica, Lanza, Miano, Bafali, and Papa, and for the attempt of murder; and for the said thefts to the damage of Vasquez and Uccello it was ordered that the acts should be preserved in the archives;

With having inflicted on the 11th of February, 1861, at Canicattini, severe wounds with premeditation, in consequence of which wounds the death of D. Salvatore Vuscica ensued within forty days;

With premeditated murder, committed on the person of Salvatore Lapira, on the the evening of the 17th September, 1860, in the country district of Noto;

With having formed part of an armed assembly, with an attempt to murder Paolo Bordonaro, and with an attempt at theft, aggravated by violence and place, which offences took place at the beginning of June 1861 in the county of Canicattini;

With premeditated murder committed in the ex-feud Cavadonna, in the territory of Syracuse, on the 16th of June, 1861, on the person of Raffaele Laferla;

With theft, aggravated by value, time, and means, to the damage of the priest D. Sebastiano Uccello;

With murder committed on the person of Filomena Materasso, and with attempt to murder Sebastiano Materasso and Santo Materasso, which murder and attempts of murder were committed in the ex-feud Alfano, district of Noto, on the 12th of June, 1861, which offences are all still pending: also he has been found charged with theft, aggravated by time, means, and value, to the damage of D. Salvatore Vuscica, committed in Canicattini on the night of the 10th of January, 1859;

With aggravated theft to the damage of Michele Uccello, with aggravated theft to the damage of Salvatore Papa, with aggravated theft to the damage of Pasquale Vasquez, with aggravated theft to the damage of Paolo Miano, with aggravated theft to the damage of Salvatore Papa, and with aggravated theft to the damage of Corrado Lanza, and to attempt to murder Antonio Caruso: that it was ordered by this High Court on the 26th of July, 1859, that the acts relating to the thefts committed to the damage of Vasquez and Uccello should be preserved in the archives, and with reference to the other offences it was ordered that a warrant of arrest should be issued against him.

And in order that the above may be made known wherever it may be requisite, the present certificate thereof is given at the request of Signor Sub-Minister at Syracuse, on the 16th of August, 1861.

The Chancellor of the High Criminal Court,
(Signed) S. LONGO.

Search made by me:
(Signed) C. MACELLEP.

High Criminal Court residing at Syracuse.

The Chancellor of the said High Criminal Court certifies that a search having been made in the Registers of Crimes and Offences existing in the Chancellor's Office of the said High Court, from 1st of January, 1855, up to the present day, with respect to Paolo Cianci, son of Emmanuele, a native of Canicattini, he has been found to be charged with theft, aggravated by time and means, to the damage of Antonio Sipola, with an attempt of theft, aggravated by time and means, to the damage of Sebastiano Cuttiera, and with having escaped with violence from the prisons of Canicattini: that by a decision pronounced in his default by this High Court, on this 23rd of March, 1860, he was declared to be under a charge of the aforesaid offences, and his name ordered to be inscribed in the register of absent offenders; also with having inflicted, on the 11th of February, 1861, in Canicattini, several wounds with premeditation, in consequence of which wounds the death of Salvatore Vuscica ensued within forty days pending;

With having formed part of an armed assembly, with an attempt to murder Paolo Bordonaro, and with an attempt of theft, aggravated by violence and place, which offences took place at the beginning of June 1861, in the county of Canicattini;

With premeditated murder, committed in the ex-feud Cavadonna, in the territory of Syracuse, on the 16th of June, 1861, on the person of Raffaele Laferla;

With theft, aggravated by value, time, and means, to the damage of the priest D. Sebastiano Uccello, offences still pending;

With murder, committed on the person of Filomena Materasso, and with attempts to murder Sebastiano Materasso and Santo Materasso, which murder and attempts of murder were committed in the ex-feud Alfano, district of Noto, on the 12th of June, 1861, which offences are still pending.

Given at the request of the Sub-Minister, at Syracuse, this 16th day of August, 1861.

The Chancellor,
(Signed) S. LONGO.

Search made by me:
(Signed) C. MACELLEP.

High Criminal Court residing at Syracuse.

The Chancellor of the said High Court certifies that a search having been made in the Registers of Crimes and Offences existing in the Chancellor's Office of the said High Court, from the 1st of January, 1855, up to the present day, with respect to Michele Misseri Tuppetto, son of Giuseppe, a native of Canicattini, he has been found to be charged with wilful arson to the damage of Salvatore Vuscita;

With having carried a prohibited weapon, with having escaped with violence from the prisons of Canicattini, and with having threatened the life of the Delegate of Public Safety of the said commune; offences committed in August, 1860;

Premeditated murder committed on the evening of the 13th of September, 1860, on the person of the Delegate of Canicattini, Gaetano Vossitto, in the vicinity of the inhabited portion of that commune;

With having formed part of an armed assembly with an attempt to murder Paolo Bordonaro, and with an attempt of theft aggravated by violence and place. Offences committed at the beginning of June 1861, in the county of Canicattini;

With premeditated murder committed on the person of Raffaele Laferla, in the ex-feud Cavadonna, in the territory of Syracuse, on the 16th June, 1861;

With theft aggravated by value, time, and means, to the damage of the priest D. Sebastiano Uccello;

With murder committed on the person of Filomena Materasso, and with attempts to murder Sebastiano Materasso and Santo Materasso, which murder and attempts of murder were committed in the ex-feud Alfano, district of Noto, on the 12th of June, 1861, which offences are all still pending;

Also, he has been found charged with theft aggravated by time, means, and value, to the damage of D. Sebastiano Vuscica, committed in Canicattini on the 10th of January, 1859; with having escaped with violence from the prisons of Canicattini in 1859; with aggravated theft to the damage of Pasquale Vasquez; with aggravated theft to the damage of Corrado Lanza: that on the 26th July, 1859, it was by this High Court ordered that the acts relating to the theft committed to the damage of Vasquez should be preserved in the archives, and with reference to the other offences it was ordered that an arrest be issued against the said Misseri.

Given at the request of Sub-Minister at Syracuse, this 16th day of August, 1861.

The Chancellor,
(Signed) S. LONGO.

Search made by me:
(Signed) C. MACELLEP.

Inclosure 5 in No. 1.

Sir V. Houlton to Mr. Slythe.

Sir, *Chief Secretary's Office, Valletta, November* 6, 1861.

I HAVE the honour to acknowledge the receipt of your letter of the 31st ultimo, giving cover to certain papers which you have received from the Italian Government (and which I beg herewith to return), respecting V. G. Solaro, P. Ciani, and M. Misseri Tuppetto, who are stated to be at present resident in this island, to which they repaired with a view of evading the law of the country, where, as it would appear, they have committed several grave offences; and I am desired by his Excellency the Governor to state to you in reply, that the police will be instructed to take, with regard to those individuals, every measure consistent with the law of Malta which may prevent their doing any wrong whilst resident in Malta, either to their own countrymen or to the local community.

I have, &c.
(Signed) VICTOR HOULTON, *Chief Secretary to Government.*

No. 2.

Mr. Hammond to Mr. Elliot.

(Extract.) *Foreign Office, December* 4, 1861.

I AM directed by Earl Russell to acknowledge the receipt of your letter of the 29th ultimo inclosing copies of correspondence relative to some Italian criminals from

Sicily, who have taken refuge at Malta; and I am to state to you in reply, that his Lordship agrees with the Duke of Newcastle in the propriety of authorizing the Governor of Malta to pass an Extradition Ordinance for the delivery of the offenders against the laws in the Italian dominions. I am, however, to request you to point out to his Grace that such Ordinance should not be applicable to political offenders.

No. 3.

Earl Russell to Sir James Hudson.

(Extract.) *Foreign Office, July* 28, 1862.

SIR ADRIAN DINGLI, the Crown Advocate of Malta, is about to visit Turin, and will call upon you for the purpose of conferring respecting the proposed arrangement between Malta and the Kingdom of Italy for the mutual surrender of criminals.

No. 4.

Earl Russell to Sir J. Hudson.

(Extract.) *Foreign Office, August* 18, 1862.

WITH reference to my despatch of the 28th ultimo, relative to an Ordinance proposed to be issued by the Governor of Malta for the extradition of criminals flying from the kingdom of Italy to that island, I inclose a printed draft of Ordinance; and, as Sir Adrian Dingli is about to visit Turin, you will probably, by communicating with him yourself, and by putting him in communication with the proper Department of the Italian Government, succeed in arranging, during his stay, the terms of a corresponding Decree to be issued by that Government.

You will explain that this course of proceeding, namely, by a law passed on either side, has been pursued in several other instances where the arrangement applied only to a British Colony and not to the United Kingdom, and therefore could be carried out by the law of the Colony without the necessity of an Act of Parliament.

Inclosure in No. 4.

(Translation.)

(Draft.)

An Ordinance enacted by the Governor of Malta, with the advice and consent of the Council of Government thereof, to authorize the Extradition of individuals charged with having committed certain offences within the jurisdiction of His Majesty the King of Italy, and to make other provisions in connexion with the same subject.

WHEREAS it is expedient to authorize the extradition of individuals charged with having committed certain offences within the jurisdiction of His Majesty the King of Italy, and to make other provisions in connection with the same subject; it is hereby enacted and ordained by his Excellency the Governor, with the advice and consent of the Council of Government, as follows:—

Article 1. The Head of the Government, upon the requisition of the Consul, or of any other person acting as Consul for Italy in Malta, shall have the power, if he is satisfied that such requisition is made on the part of the Italian Government, to order the police to apprehend in these islands any individual, not being a natural-born or naturalized

(Abbozzo.)

Ordinanza statuita dal Governatore di Malta, col parere e consenso del Consiglio di Governo della stessa, per autorizzare la Estradizione d'individui imputati di avere commesso certi reati entro la giurisdizione di Sua Maestà il Re d'Italia, e per dare altre disposizioni connesse collo stesso soggetto.

SICCOME è spediente di autorizzare la estradizione d'individui imputati di avere commesso certi reati entro la giurisdizione di Sua Maestà il Re d'Italia, e per dare altre disposizioni connesse collo stesso soggetto; sua Eccellenza il Governatore, col parere e consenso del Consiglio di Governo, ha statuito ed ordinato quanto segue:—

Articolo 1. Il Capo del Governo, a richiesta del Console o di qualunque altra persona gerente il Consolato d'Italia in Malta, potrà, essendo soddisfatto che tale richiesta sia fatta per parte del Governo Italiano, ordinare alla polizia di arrestare in queste isole qualunque individuo, che non sia suddito Britannico, nativo o naturalizzato,

British subject, against whom a warrant of apprehension shall have been issued by any Court, Judge, or Magistrate in the Kingdom of Italy, on a charge of having, within the territorial jurisdiction of His Majesty the King of Italy, committed any acts which, according to the laws of these islands, constitute any of the following offences, or a complicity in any of such offences, to wit:—

1. Unlawful arrest, detention, or confinement of a person, with the object of extorting money or effects, or obtaining any transfer of property, or for the purpose of forcing such person to submit to carnal knowledge;

2. Carnal knowledge by violence, or abduction by violence;

3. Wilful homicide, or an attempt to commit wilful homicide; or wilfully inflicting a severe bodily harm;

4. Malversation of public officers or functionaries, consisting in misapplying or withdrawing, for their own private advantage, any moneys public or private, securities, documents, titles, acts, or moveable property, which shall be in their possession, by reason of their office or employment;

5. Any of the offences of falsification which are comprised under the title of crimes affecting public credit;

6. Theft, when aggravated by violence, by means, by person, or by place;

7. Fraud, in the cases contemplated in any one of the Articles 276 to 282 inclusive, of the Criminal Laws of these islands;

8. Arson;

9. Wilfully sinking or destroying a vessel, or exhibiting any false light or signal with intent to bring any vessel into danger; or doing any other act tending to the immediate loss or destruction of any vessel in distress;

10. Escape from a place of punishment, when the offence for which the fugitive had been sentenced was one of the aforesaid offences.

Art. 2. Every individual apprehended under the provision of the preceding Article shall, within two working days, be brought before the Court of Judicial Police for the Island of Malta, as a Court of Criminal Instruction; which Court, on the production of the order given by the Head of the Government for the apprehension, and of the warrant mentioned in the preceding Article, or of an authentic copy of such warrant, shall order that the said individual be kept in custody in the place where persons accused are kept before their trial, or in the place destined for the confinement of persons sentenced to the punishment of detention.

If the apprehension shall have taken

contro del quale sia stato da qualunque Corte, Giudice, o Magistrato nel Regno d'Italia, spedito un mandato di arresto o di cattura, sulla imputazione di avere, entro la giurisdizione territoriale di Sua Maestà il Re d'Italia, commesso fatti che, secondo le leggi di queste isole, costituiscano qualcuno dei reati seguenti, o una complicità in qualcuno di tali reati, cioè:—

1. Illegale arresto, detenzione, o sequestro di persona, per l'oggetto di estorcere denari o effetti, o di ottenere qualche traslazione di proprietà, o per l'oggetto di sforzare tale persona a sottomettersi ad una congiunzione carnale;

2. Stupro violento, o ratto con violenza;

3. Omicidio volontario, o tentativo di omicidio volontario; o grave offesa volontaria sulla persona;

4. Malversazione di un ufficiale o impiegato pubblico, consistente nel distornamento o nella sottrazione, per privato profitto, di denari pubblici o privati, carte di credito o documenti, titoli, atti od effetti mobiliari, che fossero in suo potere per cagione del suo ufficio od impiego;

5. Qualunque dei reati di falso compresi sotto il titolo di delitti contro la fede pubblica;

6. Furto, qualificato per la violenza, pel mezzo, per la persona, o pel luogo;

7. Frode, nei casi contemplati in qualunque degli Articoli 276 al 282 inclusivamente, delle Leggi Criminali di queste isole;

8. Incendio volontario;

9. Volontaria sommersione o distruzione di bastimenti; od esposizione di falsi lumi o segnali con intenzione di portare bastimenti in pericolo; o qualunque altro atto tendente alla immediata perdita o distruzione di bastimenti in pericolo;

10. Fuga da un luogo di pena, quando il reato pel quale il colpevole fosse stato condannato fosse uno dei reati suddetti.

Art. 2. Qualunque individuo arrestato in virtù della disposizione dell' Articolo precedente sarà, entro due giorni utili, presentato alla Corte della Polizia Giudiziaria per l'Isola di Malta, come Corte d'Istruzione Criminale; la quale, sulla esibizione dell' ordine dato dal Capo del Governo per l'arresto, e del mandato indicato nell' Articolo precedente, o di una copia autentica di tale mandato, ordinerà che l'individuo suddetto sia tenuto in custodia nel luogo in cui sono tenuti gl'imputati prima del loro giudizio, o nel luogo destinato pei condannati alla pena della detenzione.

Ove l'arresto abbia avuto luogo nel Gozo

place in Gozo or in Comino, the term for bringing before the Court the individual apprehended, shall be six working days.

Art. 3. If, within one month to be reckoned from the day of apprehension, the police shall produce, before the said Court, such evidence as, if the offence had been committed in these islands, would be sufficient for the committal for trial of the accused, the Court shall pronounce a decree declaring that there are sufficient grounds for committing the accused for trial for the offence for which he was apprehended, and shall order that the said accused shall continue to be kept in custody, in the place destined for the confinement of persons sentenced to the punishment of detention.

The term for the production of evidence may, on application by the Police, be, on just cause being shown, prorogued by the Court to another period of time not exceeding one month to be reckoned from the last day of the expired term.

Within twenty-four hours next after the aforesaid Decree shall have been pronounced, the Magistrate shall transmit a copy thereof to the Head of the Government.

Art. 4. It shall be lawful for the Court to receive in evidence of the charge against the individual apprehended, any deposition given before a Judge or a Magistrate in the Kingdom of Italy.

The authenticity of any such deposition or of the warrant referred to in Article 2, or of the copies of such documents, cannot be impugned, if they shall be presented by the Consul, or by any other person acting as Consul for Italy, and shall bear the seal of the authority from which they shall have been issued, or the seal of the Italian Government.

Art. 5. It shall be lawful for the Head of the Government, within one month, to be reckoned from the date of the Decree mentioned in Article 3, by warrant under his hand, to order the individual referred to in that Decree to be delivered up to any person designated for that purpose by the Italian Government, or by the Consul or other person acting as Consul for Italy, in order that such individual may be conveyed to the Kingdom of Italy, there to be tried for the offence with which he is charged.

If, however, it shall not have been proved that the said individual is an Italian subject, the Head of the Government shall not order him to be delivered up, unless he shall be authorized to that effect by one of Her Majesty's Principal Secretaries of State; and in any such case the period for the delivery of such individual shall be two months.

Each of the terms contemplated in this Article may also, on application by the Police, be, on just cause being shown, pro-

o in Comino, il termine per la presentazione dell' individuo arrestato sarà di sei giorni utili.

Art. 3. Se, entro un mese contabile dal giorno dell'arresto, la polizia produce, innanzi la Corte suddetta, tali prove che, ove il reato fosse stato commesso in queste isole, sarebbero sufficienti per sottoporre l'imputato a un atto di accusa, la Corte pronunzierà un decreto nel quale dichiarerà esservi ragioni sufficienti per sottoporre l'imputato a un giudizio pel reato pel quale è stato arrestato, e ordinerà che l'imputato medesimo continui ad essere tenuto in custodia, nel luogo destinato pei condannati alla pena della detenzione.

Il termine per la produzione delle prove può essere dalla Corte, per giusta causa, a domanda della Polizia, prorogato a un altro periodo di tempo non eccedente un mese contabile dall'ultimo giorno del termine spirato.

Entro le ventiquattro ore susseguenti al Decreto suddetto, il Magistrato ne trasmetterà una copia al Capo del Governo.

Art. 4. La Corte può ricevere in prova della imputazione portata contro l'individuo arrestato, qualunque deposizione fatta innanzi a un Giudice o Magistrato nel Regno d'Italia.

L'autenticità di qualunque tale deposizione o del mandato indicato nell'Articolo 2, o delle copie di tali atti, non può essere impugnata, quando fossero presentati dal Console, o da qualunque altra persona gerente il Consolato d'Italia, e fossero muniti col suggello dell'autorità dalla quale emanano, o col suggello del Governo Italiano.

Art. 5. Il Capo del Governo, entro un mese contabile dal giorno dal Decreto indicato nell' Articolo 3, potrà, con mandato da lui firmato, ordinare che l'individuo menzionato nel Decreto sia consegnato a qualunque persona a tale oggetto designata dal Governo Italiano o dal Console o da altra persona gerente il Consolato d'Italia, per essere spedito nel Regno d'Italia, onde essere colà giudicato pel reato imputatogli.

Ove, però, non sia stato provato che l'individuo suddetto sia suddito Italiano, il Capo del Governo non ne ordinerà la consegna a meno che non sia a tale oggetto autorizzato da uno dei Principali Segretarj di Stato di Sua Maestà; e in tali casi il termine per la consegna dell' individuo medesimo sarà di due mesi.

Ciascuno dei termini contemplati in questo Articolo può, ancora, essere dalla Corte, a domanda della Polizia, per giusta causa pro-

rogued by the Court to another period of time not exceeding one month, to be reckoned from the last day of the expired term.

Art. 6. The delivery of the accused, when it is to be effected, shall take place on board of the ship or other sea-going vessel, on board of which the said accused is to be conveyed to the Kingdom of Italy.

If the accused, after he shall have been delivered up as aforesaid, shall escape from the ship, he shall be dealt with in the same manner as any individual escaping from a public place of confinement.

It shall be lawful for the person to whom the accused shall be delivered up, to subject him to such restrictions only as may be indispensably necessary for preventing him from escaping from the ship or vessel on board of which he is to be conveyed to the Kingdom of Italy.

Art. 7. If, within the term fixed in Article 3, the evidence therein referred to shall not be adduced, or if, within the term prescribed in Article 5, the accused shall not be delivered up and caused to be conveyed to the Kingdom of Italy, the aforesaid Court, *ex officio*, or upon application by the accused party, shall order such accused party to be discharged.

Art. 8. The expenses incurred for the apprehension, maintenance, and delivery of the accused, shall be borne by the party applying for the extradition.

This provision shall also apply with regard to the expenses for the apprehension and maintenance, notwithstanding that the accused may have been discharged for any of the causes referred to in the preceding Article.

Art. 9. No person who, on the day of the promulgation of this Ordinance, shall have been resident in these islands for three years or upwards, shall be liable to be apprehended or delivered up by virtue of this Ordinance, if the offence of which he shall be accused shall have been committed more than three years before that day.

Art. 10. No person who, though he shall not on the day of the promulgation of this Ordinance have been resident in these islands for three years or upwards, as provided in the foregoing Article, may have arrived in these islands on or before that day, shall be liable to be apprehended or delivered up by virtue of this Ordinance, until the expiration of four months from the said day.

But if such person shall, after the promulgation of this Ordinance, leave these islands and return thereto, the provisions of this Ordinance shall be applicable against him, if there be ground, notwithstanding

rogato a un altro periodo di tempo non eccedente un mese contabile dall' ultimo giorno del termine spirato.

Art. 6. La consegna dell' imputato, quando ha luogo, sarà fatta a bordo del bastimento od altro legno di mare, sul quale l'imputato medesimo dovesse essere condotto nel Regno d'Italia.

L'imputato, se dopo la consegna evade dal bastimento, sarà trattato come qualunque individuo che fuggisse da un luogo di pubblica custodia.

Colui al quale l'imputato fosse consegnato, può sottoporlo a quelle restrizioni soltanto che fossero indispensabili per impedire la evasione del medesimo da sul bastimento o legno sul quale dovesse essere condotto nel Regno l'Italia.

Art. 7. Se entro il tempo stabilito nell' Articolo 3 non vengono fatte le prove ivi indicate, o se entro il tempo prescritto nell'Articolo 5 l'imputato non viene consegnato e fatto partire pel Regno d'Italia, la Corte suddetta, di ufficio, o a domanda dell' imputato, ordinerà che questi sia messo in libertà.

Art. 8. Le spese incorse per l'arresto, il mantenimento, e la consegna dell' imputato, sono a carico di colui che domanda la estradizione.

Lo stesso ha luogo intorno alle spese dell'arresto e del mantenimento, nonostante che l'imputato fosse liberato per qualunque delle cause menzionate nell' Articolo precedente.

Art. 9. Nessun individuo il quale, nel giorno della promulgazione di questa Ordinanza, fosse residente in queste isole sin da tre anni o più, può essere arrestato o consegnato in virtù di questa Ordinanza, se il reato del quale viene accusato fu commesso più di tre anni prima di quel giorno.

Art. 10. Nessun individuo il quale, sebbene nel giorno della promulgazione di questa Ordinanza non sia residente in queste isole da tre anni o più, come è disposto nel precedente Articolo, sia però giunto in queste isole prima di quel giorno o in quel giorno medesimo, potrà essere arrestato o consegnato in virtù di questa Ordinanza, fino allo spirare di quattro mesi dal giorno suddetto.

Ove però tale individuo, dopo la promulgazione di questa Ordinanza, partisse da queste isole e vi ritornasse, le disposizioni di questa Ordinanza potranno, se vi è luogo, essere applicate contro di lui, nonostante

that the above-mentioned period of four months shall not have elapsed.

Art. 11. This Ordinance shall commence to be in force from and after the day on which the Head of the Government shall, by notice, declare that in the Kingdom of Italy a law is in force, containing provisions by virtue whereof—

1. No individual who may, by virtue of this Ordinance, be delivered up to be tried in the Kingdom of Italy, shall, until the expiration of thirty days from the day of the cessation of any impediment that, by any sentence, decree, or warrant of any competent authority, may have been made to his departure therefrom, be liable to be proceeded against or punished in that kingdom for any offence committed prior to his being delivered up, except that for which the delivery may have been demanded, and any other specified in Article 1 ;

2. Any individual, not being an Italian subject, and who, after having committed in these islands any of the offences specified in Article 1, shall be found within the jurisdiction of His Majesty the King of Italy, may, upon the requisition of the Government of these islands, be apprehended and delivered up to any person designated by the said Government, in order that he may be sent to these islands, to be tried for the offence with which he is charged.

Art. 12. When, in order to obtain, in the Kingdom of Italy, the apprehension and delivery of any individual, as stated in the preceding Article, a warrant of a judicial authority in these islands may be required, such warrant, if there be sufficient grounds for it according to law, may be issued by any magistrate of judicial police.

Provided, however, that no individual delivered up by the Italian Government to be tried in these islands shall, until the expiration of thirty days from the day of the cessation of any impediment that, by any sentence, decree, or warrant of any competent authority, may have been made to his departure therefrom, be liable to be proceeded against or punished in these islands, for any offence committed prior to his being delivered up, except that for which the delivery may have been demanded, and any other specified in Article 1.

che non fossero scorsi i quattro mesi suddetti.

Art. 11. Questa Ordinanza comincerà ad essere in vigore dal giorno in cui venga dal Capo del Governo, per notificazione, dichiarato che una legge sia in vigore nel Regno d'Italia, contenente disposizioni in virtù delle quali—

1. Nessun individuo il quale, in virtù di questa Ordinanza, fosse consegnato per essere giudicato nel Regno d'Italia, potrà, fino allo spirare di trenta giorni dal dì della cessazione di qualunque impedimento che, per sentenza, decreto o mandato di un' autorità competente, fosse fatto alla sua partenza da quel regno, essere sottoposto ad alcun giudizio o punito in quel regno, per alcun reato anteriore a tale consegna, eccetto quello pel quale la consegna fosse stata domandata e qualunque altro dei reati indicati nell' Articolo 1 ;

2. Qualunque individuo che non fosse suddito Italiano, e che dopo di avere, in queste isole, commesso qualunque dei reati indicati nell' Articolo 1, si trovasse entro la giurisdizione di Sua Maestà il Re d'Italia, potrebbe, a richiesta del Governo di queste isole, essere arrestato e consegnato a qualunque persona designata dal Governo medesimo, onde essere spedito in queste isole all' oggetto di essere qui giudicato pel reato imputatogli.

Art. 12. Quando, per ottenere, nel Regno d'Italia, l'arresto e la consegna di qualunque individuo, come è disposto nell' Articolo precedente, fosse necessario un mandato di un' autorità giudiziaria in queste isole, tale mandato, concorrendovi sufficienti motivi secondo la legge, potrà essere spedito da qualunque magistrato della polizia giudiziaria.

Beninteso, però, che nessun individuo il quale fosse dal Governo Italiano consegnato per essere giudicato in queste isole, potrà, fino allo spirare di trenta giorni dal dì della cessazione di qualunque impedimento che, per sentenza, decreto, o mandato di un' autorità competente, fosse fatto alla sua partenza da queste isole, essere sottoposto ad alcun giudizio o punito in queste isole, per alcun reato anteriore a tale consegna, eccetto quello pel quale la consegna fosse stata domandata, e qualunque altro dei reati indicati nell' Articolo 1.

No. 5.

Sir J. Hudson to Earl Russell.—(Received September 9.)

My Lord, *Turin, September 5, 1862.*

WITH reference to your Lordship's despatch of the 18th ultimo, inclosing the draft of an Ordinance proposed to be issued by the Governor of Malta for the extra-

dition of criminals flying from the Kingdom of Italy to that island, and instructing me, after consultation with Sir Adrian Dingli, and after placing that gentleman in communication with the proper Department of the Italian Government, to endeavour to arrange the terms of a corresponding Decree to be issued by that Government; I have the honour to inclose the copy of a note by which I introduced Sir Adrian Dingli to General Durando, and proposed to his Excellency a reciprocal arrangement of the nature set forth in the Draft of Ordinance transmitted to me by your Lordship.

I have further the honour to inclose a copy of the answer which I have received from General Durando, by which your Lordship will perceive that the Italian Government accept, with some very slight modifications, the proposal I made to his Excellency, and purpose giving effect to the arrangement by the publication of a Royal Decree, as soon as they shall have been informed that the Ordinance in question has become law in the Island of Malta.

Sir Adrian Dingli left Turin for Malta yesterday, and carried with him copies of the correspondence herewith transmitted.

I have, &c.
(Signed) JAMES HUDSON.

Inclosure 1 in No. 5.

Sir J. Hudson to General Durando.

Sir, *Turin, August* 25, 1862.

WITHIN the last two years the Italian Consul at Malta was on two different occasions instructed by the Italian Government to apply to the Malta Government for the surrender of criminals who had escaped to that island from Sicily or Naples.

On the first occasion I am given to understand that the instructions were given by the Italian Ministry of the Interior to ask for the extradition of three men who were accused of having committed one or more murders under very atrocious circumstances; and on the second, by his Excellency General La Marmora, for the surrender of a man named Pasta, accused of having committed, or of having been the accomplice in, the embezzlement of a large sum of money.

In both these instances the reply was that, in consequence of the present state of the Maltese law, it was impossible for the Malta Government to accede to these demands. But considering the advantages that would arise from an Extradition Law, both for Italy and for Malta, his Excellency the Governor lost no time in submitting the case for the consideration of Her Majesty's Government, and caused a draft of an Ordinance to be prepared, of which I have the honour to inclose copy, authorizing, with certain limitations, the Head of the Government of Malta to surrender criminals claimed by the Italian authorities on condition that, by reciprocity, a similar law should be passed in Italy for the extradition of criminals claimed by the Malta Government.

This draft has been approved by Her Majesty's Government, and the Government of Malta is prepared to recommend it to the Legislature of that island, in the event of the Italian Government expressing their readiness, on the draft of Ordinance becoming law in Malta, to avail themselves of any powers they now possess to secure for Malta a perfect reciprocity, or that, in the absence of such powers, they will recommend to the Italian Parliament a law to that effect.

As reference is made to the Criminal Code of Malta in the draft of Ordinance, I have the honour to transmit to your Excellency a copy of it.

I have the honour further to remark that the proposed course of proceeding, namely, by a law passed on either side, has been pursued in several other instances where the arrangement applied only to a British Colony, and not to the United Kingdom, and therefore could be carried out by the law of the Colony without the necessity of an Act of Parliament.

In order to facilitate negotiations on this subject Sir A. Dingli, the Crown Advocate of Malta, has proceeded to Turin; and I am instructed by Her Majesty's Government to place him in communication with the Italian Government: and I have therefore the honour to request that your Excellency will take this matter into consideration, and furnish me with the views of the Italian Government upon it with as little delay as possible.

I avail, &c.
(Signed) JAMES HUDSON.

Inclosure 2 in No. 5.

General Durando to Sir J. Hudson.

M. le Ministre, *Turin, le 2 Septembre*, 1862.

J'AI reçu avec une vive satisfaction la note que vous m'avez fait l'honneur de m'adresser le mois dernier pour me communiquer un projet de loi qui aurait déjà été admis par le Gouvernement de Sa Majesté la Reine, et qui devrait être soumis à l'approbation de la Législature de l'Ile de Malte dans le but d'autoriser le Chef du Gouvernement de cette île à livrer, sous certaines conditions et moyennant réciprocité, les malfaiteurs réclamés par les autorités Italiennes. Ayant à cœur de pourvoir d'une manière efficace à la sûreté publique, le Gouvernement du Roi voit avec plaisir l'empressement avec lequel le Gouvernement Britannique a bien voulu prêter son assentiment à un accord ayant pour but la repression des crimes commis sur les territoires Italiens et Maltais, et dont les auteurs et complices voudraient, en se réfugiant d'un pays dans l'autre, échapper à l'action de la justice, et à l'application des peines qu'ils ont encourues.

Je me suis donc empressé de soumettre à l'examen de mon collègue le Ministre de la Justice le projet de loi en question, et j'ai maintenant l'honneur de vous en faire connaître les résultats.

A l'Article 1 sont indiqués les crimes pour lesquels pourra être accordés l'extradition. Quoique cette énumération soit assez large, il paraîtrait toutefois convenable qu'on voulût ajouter—

(*a.*) La banqueroute frauduleuse.

(*b.*) La bigamie.

(*c.*) L'avortement.

(*d*) L'enlèvement et la séquestration ("occultamento") d'enfants. Ces méfaits sont de nature à troubler gravement le commerce et la famille, et dans le Code Pénal de Malte, aussi bien que dans le nôtre, sont frappés de peines très sévères.

L'Article 3 prescrit que l'extradition ne pourra être accordée par le Gouvernement de Malte qu'après que la Cour de Police Judiciaire de l'île aura reconnu qu'il existe des preuves suffisantes pour mettre le prévenu, si le crime fût commis sur son territoire, en état d'accusation. Le Gouvernement Italien aurait aimé que cette clause, qui ne se trouve d'ailleurs dans aucun Traité d'Extradition, fût omise dans le projet en question. Cependant, comme l'Article 3 paraît être en quelque sorte un corollaire inévitable des principes contenus dans la législation Anglaise, sur l'inviolabilité personnelle, je me bornerai, sans en faire une condition, à vous exprimer le désir que les mots "telles preuves" soient substitués par les mots "indices ou présumptions de preuve," de sorte qu'il soit évidemment indiqué que l'examen de la Cour de Police Judiciaire de Malte sera restreint à constater la nationalité étrangère du prévenu réclamé, l'existence du mandat d'arrêt, ou tout autre acte ayant au moins la même force que ce mandat, et enfin la nature du crime, pour reconnaître s'il est compris parmi ceux indiqués à l'Article 1. En effet il est évident que l'autorité judiciaire ne saurait dans les cas ordinaires avoir des preuves certaines qu'après que l'individu dont on demande l'extradition sera en son pouvoir, et qu'on aura pu ainsi instruire le procès.

Le Gouvernement de Sa Majesté le Roi ne fait aucune difficulté à l'admission de l'Article 8 tel qu'il est porté dans le projet. Je dois cependant soumettre à votre appréciation éclairée, M. le Ministre, l'opportunité d'établir le principe de compensation absolue, déjà admis avec la plupart des Gouvernements étrangers, afin d'éviter toute comptabilité et toute correspondance à cet égard.

Le No. 2 de l'Article 11, se référant à l'extradition de tout individu non Italien réclamé par les autorités de Malte, laisse subsister quelque doute sur le système à suivre pour la remise des prévenus appartenant à un autre Etat. Afin de faire disparaître toute incertitude à ce sujet, et de faire hommage en même temps aux usages généralement admis, je proposerais d'ajouter à cet Article la même clause qui a été insérée dans le Traité entre la Grande Bretagne et la France, et dont je crois utile de transcrire ci-après le texte :—

"Si le prévenu ou le condamné n'est pas sujet de celui des deux Etats qui le réclame, il ne pourra être livré qu'après que le Gouvernement auquel il appartient aura été consulté, et mis en demeure de faire connaître les motifs qu'il pourrait avoir d'opposer à l'extradition. Dans tous les cas le Gouvernement saisi de la demande restera libre d'y donner la suite qui lui paraîtra convenable, et de livrer le prévenu pour être jugé, soit en son pays natal, soit au pays où le crime aura été commis."

Après l'exposé des observations qui précèdent il ne me reste, M. le Ministre, qu'à vous déclarer que, de son côté, le Gouvernement de Sa Majesté est tout disposé à faire usage des

pouvoirs qui lui sont attribués par les lois du Royaume, en accordant, sous condition d'une parfaite réciprocité, et dans les limites énoncées dans le projet que vous avez eu l'obligeance de me communiquer, l'extradition des individus réclamés par le Gouvernement de Malte.

Dans l'espoir que ce projet ne tardera pas à recevoir la sanction des pouvoirs compétents, je vous prie de vouloir bien en son temps me faire part de l'approbation définitive qu'y sera donnée par la Législature de Malte, pour que je puisse provoquer le Décret Royal qui doit mettre en vigueur en Italie les dispositions concertées entre les deux Gouvernements.

Veuillez, &c.
(Signé) JACQUES DURANDO.

(Translation.)

Sir, *Turin, September* 2, 1862.

I HAVE received with great satisfaction the note which you did me the honour to address to me last month, communicating to me a draft of law which had been already approved by the Government of Her Majesty the Queen, and which was to be submitted for the approbation of the Legislature of the Island of Malta, with the purpose of authorizing the head of the Government of that Island to deliver up, under certain conditions and subject to reciprocity, malefactors when demanded by the Italian authorities. Having at heart to provide effectually for the public safety, the King's Government has pleasure in noticing the readiness with which the British Government has given its assent to an agreement having for its object the repression of crimes committed on Italian and Maltese territory; the authors of and accomplices in which might seek, by taking refuge in the one or the other country, to escape the action of justice and the enforcement of the penalties which they have incurred.

I accordingly hastened to submit to the examination of my colleague the Minister of Justice the draft of law in question, and I now have the honour to acquaint you with the result.

In Article 1 are indicated the crimes for which extradition may be granted.

Although this enumeration is extensive, it would nevertheless seem fitting that there should be added:—

(*a.*) Fraudulent bankruptcy.
(*b.*) Bigamy.
(*c.*) Procuring abortion.
(*d.*) The kidnapping and concealment ("occultamento") of children.

These offences are of a nature gravely to affect commerce and society, and in the Penal Code of Malta, as well as in our own, they are visited with very severe penalties.

Article 3 provides that extradition shall not be granted by the Government of Malta until after the Court of Judiciary Police of the Island shall have decided that sufficient proof exists to place the party in the position of accused, should the crime have been committed in its territory. The Italian Government would have preferred that this clause, which moreover is inserted in no Treaty of Extradition, had been omitted from the draft in question. However, since Article 3 seems to be in one sense an inevitable corollary to the principles contained in English legislation in regard to personal inviolability, I will confine myself, without making it a condition, to the expression of the wish that for the words "such proofs" may be substituted the words "indications or presumptive evidence," so that it may be plainly indicated that the examination by the Court of Judiciary Police of Malta shall be limited to ascertaining the foreign nationality of the party demanded; the existence of the warrant of arrest, or any other act having at least the same force as that warrant; and lastly, the nature of the crime, in order to see whether it is comprised among those mentioned in Article 1. It is evident indeed that the judicial authority could not in ordinary cases have proof certain until after the individual whose extradition is demanded should be within its power, and it would thus have been enabled to investigate the case.

The Government of His Majesty the King raises no difficulty as to the admission of Article 8 as worded in the draft. I ought, however, to point out to your enlightened appreciation, Sir, the opportuneness of laying down the principle of absolute compensation, already admitted by most foreign Governments, in order to avoid cross accounts, and all correspondence respecting them.

No. 2 of the 11th Article having reference to the extradition of any individual, not Italian, demanded by the Maltese authorities, leaves some doubt as to the system to be adopted for the surrender of suspected persons belonging to another State. In order to remove all uncertainty upon this head, and, at the same time, to respect usages

generally admitted, I would propose to add to this Article the same clause which has been inserted in the Treaty between Great Britain and France, the text of which I here subjoin:—

"If the person accused or convicted should not be the subject of that one of the two States by which he is claimed, he shall not be surrendered until after the Government to which he belongs shall have been consulted, and have had sufficient opportunity to state any reasons which it may have for opposing the surrender. In every such case, the Government upon which the demand is made shall be free to take such decision as it may think fit, and to deliver up the accused to be tried either in his native country, or in the country where the crime shall have been committed."

Having set forth the preceding observations, it only remains for me, Sir, to declare to you that His Majesty's Government, on their part, are fully disposed to make use of the powers with which they are invested by the laws of the kingdom by according, under the condition of a full reciprocity, and within the limits marked out in the Draft which you have been so obliging as to communicate to me, the extradition of individuals demanded by the Government of Malta.

In the hope that this draft will speedily receive the sanction of the competent authorities, I beg you to be good enough at your leisure to acquaint me with the definitive approval of the Maltese Legislature, when given, in order that I may be enabled to cause a Royal Decree to be prepared in order to put in force in Italy the arrangements concerted between the two Governments.

I beg, &c.
(Signed) JAMES DURANDO.

No. 6.

Earl Russell to Sir J. Hudson.

(Extract.) *Foreign Office, November* 6, 1862.

HER Majesty's Government have had under their consideration your despatch of the 5th of September last, inclosing copies of your correspondence with the Italian Minister for Foreign Affairs relative to the draft Ordinance for the surrender of criminals flying from Italy and taking refuge in Malta.

It appears that there are four points in regard to which the Italian Government propose that the draft Ordinance should be amended:—

1. The list of offences to be made the subject of extradition. The Italian Government wish to add to that list the offences of fraudulent bankruptcy; bigamy; procuring abortion; and child-stealing.

2. The Italian Government propose to dispense with the production of *primâ facie* evidence as the condition of surrendering a person demanded, and to confine the inquiry to his nationality, the legality and authority of the warrant issued against him, and the nature of the offence.

3. The mode of defraying the expenses attending apprehensions and surrenders. The draft Ordinance (Article 8) provided that such expense should be defrayed by the party making the requisition. The Italian Government suggest that with a view to avoid correspondence and cross accounts, the expense in question should be borne by the party upon whom the requisition is made.

4. With regard to demands for the surrender of any person who is the subject of a third Power (Article 11, section 2), the Italian Government suggest that a proviso be added similar to that contained in the Treaty between Great Britain and France of 1852, that in any such case the country of which the accused is a subject shall first be consulted, and that the Government of whom the accused is demanded shall then be at liberty either to grant or to refuse the extradition, as they may judge proper.

I have to instruct you to state to the Italian Minister for Foreign Affairs that Her Majesty's Government are prepared to accede to the suggestions of the Italian Government with regard to all these points except the second. On that point they regret that it is not possible for them to adopt the course suggested. The production of a *primâ facie* case against the person demanded, is made a condition of surrender in every Treaty of Extradition hitherto concluded by Great Britain with foreign Powers, and Her Majesty's Government could not dispense with it in the present instance.

No. 7.

Mr. West to Earl Russell.—(Received February 24.)

My Lord, *Turin, February 21, 1863.*

I HAVE the honour to inclose herewith to your Lordship the copy of a note which Sir James Hudson addressed to the Italian Minister for Foreign Affairs in November last, in accordance with the instructions contained in your Lordship's despatch of the 6th of November of last year, relative to the modifications proposed by the Italian Government to the projected arrangement between this country and the Island of Malta for the reciprocal extradition of criminals.

No answer having been received to this note, I lately addressed a communication to Count Pasolini, requesting him to inform me of the resolution to which the Italian Government had come with reference to this question; and I have now the honour to inclose the copy of a note which Count Pasolini has written to me in reply to my communication, in which his Excellency states that the Italian Government accept the arrangement in question, under the conditions set forth in Sir James Hudson's note above mentioned.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 7.

Sir J. Hudson to General Durando.

Sir, *Turin, November 16, 1862.*

HER Majesty's Government have had under their consideration the correspondence which I had the honour to pass with your Excellency relative to the draft of Ordinance for the surrender of criminals flying from Italy and taking refuge in Malta.

From this correspondence Her Majesty's Government perceive that there are four points in regard to which the Italian Government propose that the draft Ordinance should be amended:—

1. The list of offences to be made the subject of extradition. The Italian Government wish to add to that list the offences of fraudulent bankruptcy, bigamy, procuring abortion, and child-stealing.

2. The Italian Government propose to dispense with the production of *primâ facie* evidence as the condition of surrendering a person demanded, and to confine the inquiry to his nationality, the legality and authority of the warrant issued against him, and the nature of the offence.

3. The mode of defraying the expense attending apprehensions and surrenders. The draft Ordinance (Article 8) provided that such expenses should be defrayed by the party making the requisition. The Italian Government suggests that with a view to avoid correspondence and cross accounts, the expense in question should be borne by the party upon whom the requisition is made.

4. With regard to the demands for the surrender of any person who is the subject of a third Power (Article 11, section 2), the Italian Government suggest that a proviso be added similar to that contained in the Treaty between Great Britain and France of 1852, that in any such case the country of which the accused is a subject shall be first consulted, and that the Government of whom the accused is demanded shall then be at liberty either to grant or to refuse the extradition as they may judge proper.

I am instructed now to state to your Excellency that Her Majesty's Government are prepared to accede to the suggestions of the Italian Government with regard to all these points except the second. On that point they regret that it is not possible for them to adopt the course suggested. The production of a *primâ facie* case against the person demanded is made a condition of surrender in every Treaty of Extradition hitherto concluded by Great Britain with foreign Powers, and Her Majesty's Government could not dispense with it in the present instance.

I avail, &c.

(Signed) JAMES HUDSON.

Inclosure 2 in No. 7.

M. Pasolini to Mr. West.

Monsieur, *Turin, le 16 Février*, 1863.

PAR la note que vous avez bien voulu m'adresser sous la date du 30 Janvier, vous exprimiez le désir de connaître les intentions du Gouvernement de Sa Majesté à la suite de la communication de Sir J. Hudson, qui annonçait que les modifications proposées au projet d'Ordonnance pour l'extradition des malfaiteurs réfugiés dans l'Ile de Malte avaient été acceptées, en presque totalité, par le Gouvernement Britannique.

En réponse à votre dépêche précitée, j'ai l'honneur de vous faire part, qu'ayant soumis à un nouvel examen l'Ordonnance dont il est question, telle qu'elle a été modifiée, j'ai dû reconnaître qu'elle répondait maintenant d'une manière plus satisfaisante au but qu'on s'était proposé.

Le Gouvernement de Sa Majesté est prêt de son côté à mettre en exécution dans le Royaume d'Italie les clauses de l'accord en question, qui en facilitant le cours régulier de l'administration de la justice, doit satisfaire dans l'intérêt réciproque des deux pays aux exigences de la sûreté publique. Je verrais par conséquent avec plaisir que cet accord puisse bientôt recevoir son entière exécution.

En attendant je dois vous prier, M. le Chargé d'Affaires, de vouloir bien faire parvenir au Gouvernement de Sa Majesté Britannique mes sincères remerciments pour l'adhésion qu'il s'est empressé de donner aux modifications proposées par le Gouvernement du Roi ; et je saisis, &c.

(Signé) G. PASOLINI.

(Translation.)

Sir, *Turin, February* 16, 1863.

IN the note dated the 30th January, which you were so good as to address to me, you expressed the desire to be made acquainted with the intentions of His Majesty's Government with reference to the communication of Sir James Hudson, which stated that the modifications proposed in the draft of Ordinance for the extradition of malefactors who should take refuge in the Island of Malta had been accepted, almost in their entirety, by the British Government.

In reply to your above-mentioned despatch, I have the honour to acquaint you that having submitted the Ordinance in question to a fresh examination, in its modified form, I have arrived at the conclusion that as it now stands it fulfils in a more satisfactory manner the object in view.

His Majesty's Government are ready, on their side, to put into execution in the Kingdom of Italy the clauses of the Agreement in question, which, by facilitating the regular course of the administration of justice, will, for the mutual interests of the two countries, satisfy the requirements of public safety. I should consequently learn with pleasure that this Agreement is speedily to receive its full execution.

In the meanwhile I must beg you, M. le Chargé d'Affaires, to be good enough to convey to the Government of Her Britannic Majesty my sincere thanks for their readiness in giving their assent to the modifications proposed by the King's Government ; and I avail, &c.

(Signed) G. PASOLINI.

No. 8.

Mr. Elliot to Mr. Layard.—(Received March 3.)

(Extract.) *Downing Street, March* 2, 1863.

WITH reference to your letter of the 24th ultimo, I am directed by the Duke of Newcastle to request that you will lay before Earl Russell the inclosed copy of a despatch from the Governor of Malta, transmitting Ordinance No. 1 of 1863, passed by the Council of Government, "to authorize the extradition of individuals charged with having committed certain offences within the jurisdiction of His Majesty the King of Italy," &c.

Inclosure 1 in No. 8.

Sir Gaspard le Marchant to the Duke of Newcastle.

(Extract.) *Palace, Valletta, February* 21, 1863.

I HAVE the honour to transmit, for your Grace's consideration, Ordinance No. 1 of 1863, "to authorize the extradition of individuals charged with having committed certain offences within the jurisdiction of His Majesty the King of Italy," &c.

Your Grace will observe that that Ordinance, as it has been passed by the Council, is in accordance with the views of Her Majesty's Government; and as I believe that it will have very beneficial effects, I hope that the Italian Government will, without any unnecessary delay, make the Decree mentioned in the note from General Durando to Sir J. Hudson of the 2nd September last, and that I shall be furnished with authentic copies of that Decree, in order to issue, in accordance with the provision in Article 11 of the Ordinance, the notice before the publication of which that Ordinance will not come into operation.

Inclosure 2 in No. 8.

(Translation.)

Ordinance No. 1 of 1863.

An Ordinance enacted by the Governor of Malta, with the advice and consent of the Council of Government thereof, to authorize the Extradition of individuals charged with having committed certain offences within the jurisdiction of His Majesty the King of Italy, and to make other provisions in connection with the same subject.

WHEREAS it is expedient to authorize the extradition of individuals charged with having committed certain offences within the territorial jurisdiction of His Majesty the King of Italy, and to make other provisions in connection with the same subject; it is hereby enacted and ordained by his Excellency the Governor, with the advice and consent of the Council of Government, as follows:—

Article 1. The Head of the Government, upon the requisition of the Consul or of any other person acting as Consul for Italy in Malta, shall have the power, if he is satisfied that such requisition is made on the part of the Italian Government, to order the police to apprehend in these islands any individual, not being a natural born or naturalized British subject, against whom a warrant of apprehension shall have been issued by any Court, Judge, or Magistrate in the Kingdom of Italy, on a charge of having, within the territorial jurisdiction of His Majesty the King of Italy, committed any acts which, according to the laws of these islands, constitute any of the following offences, or a complicity in any of such offences, to wit:

1. Unlawful arrest, detention, or confinement of a person, for the purpose of extorting money or effects, or of obtaining any transfer of property, or for the purpose of forcing a person to submit to carnal knowledge;

Ordinanza No. 1 del 1863.

Ordinanza statuita dal Governatore di Malta, col parere e consenso del Consiglio di Governo della stessa, per autorizzare la Estradizione d'individui imputati di avere commesso certi reati entro la giurisdizione di Sua Maestà il Re d'Italia, e per dare altre disposizioni connesse collo stesso soggetto.

Preambolo.] SICCOME è spediente di autorizzare la estradizione d'individui imputati di avere commesso certi reati entro la giurisdizione territoriale di Sua Maestà il Re d'Italia, e per dare altre disposizioni connesse collo stesso soggetto; sua Eccellenza il Governatore, col parere e consenso del Consiglio di Governo, ha statuito ed ordinato quanto segue:—

Alcuni delinquenti possono essere arrestati a richiesta del Governo Italiano; Articolo 1. Il Capo del Governo, a richiesta del Console o di qualunque altra persona gerente il Consolato d'Italia in Malta, potrà, essendo soddisfatto che tale richiesta sia fatta per parte del Governo Italiano, ordinare alla polizia di arrestare in queste isole qualunque individuo, che non sia suddito Britannico, nativo o naturalizzato, contro del quale sia stato da qualunque Corte, Giudice, o Magistrato nel Regno d'Italia, spedito un mandato di arresto o di cattura, sulla imputazione di avere, entro la giurisdizione territoriale di Sua Maestà il Re d'Italia, commesso fatti che, secondo le leggi di queste isole, costituiscano qualcuno dei reati seguenti, o una complicità in qualunque di tali reati, cioè:

1. Illegale arresto, detenzione, o sequestro di persona, per l'oggetto di estorcere denari o effetti, o di ottenere qualche traslazione di proprietà, o per l'oggetto di sforzare una persona a sottomettersi ad una congiunzione carnale:

2. Carnal knowledge by violence, or abduction by violence;

3. Bigamy;

4. Taking away or concealing an infant, or suppressing its birth, or substituting one infant for another, or supposititiously representing an infant to have been born of a woman who had not been delivered of a child;

5. Wilful homicide, or an attempt to commit wilful homicide; or wilfully inflicting a severe bodily harm;

6. Abortion;

7. Malversation of public officers or functionaries, consisting in misapplying or withdrawing, for their own private advantage, any moneys, public or private, securities, documents, titles, acts, or moveable property, which shall be in their possession, by reason of their office or employment;

8. Any of the offences of falsification which are comprised under the title of crimes affecting public credit;

9. Fraudulent bankruptcy;

10. Theft, when aggravated by violence, by means, by person, or by place;

11. Fraud in the cases contemplated in any one of the Articles 276 to 282, inclusive, of the Criminal Laws of these islands;

12. Arson;

13. Wilfully sinking or destroying a vessel; or exhibiting any false light or signal with intent to bring any vessel into danger; or doing any other act tending to the immediate loss or destruction of any vessel in distress;

14. Escape from a place of punishment, when the offence for which the fugitive had been sentenced was one of the aforesaid offences.

2. Stupro violente, o ratto con violenza;

3. Bigamia;

4. Rapimento, occultazione, o soppressione di un fanciullo, o sostituzione di un fanciullo a un altro, o supposizione di un fanciullo ad una donna che non avesse partorito;

5. Omicidio volontario, o tentativo di omicidio volontario; o grave offesa volontaria sulla persona;

6. Aborto;

7. Malversazione di un ufficiale o impiegato pubblico, consistente nel distornamento o nella sottrazione, per privato profitto, di denari pubblici o privati, carte di credito o documenti, titoli, atti od effetti mobiliari, che fossero in suo potere per cagione del suo ufficio od impiego;

8. Qualunque dei reati di falso compresi sotto il titolo di delitti contro la fede pubblica;

9. Fallimento doloso;

10. Furto qualificato per la violenza, pel mezzo, per la persona, o pel luogo;

11. Frode nei casi contemplati in qualunque degli Articoli 276 al 282, inclusivamente, delle Leggi Criminali di queste isole;

12. Incendio volontario;

13. Volontaria sommersione o distruzione di bastimenti; od esposizione di falsi lumi o segnali con intenzione di portare bastimenti in pericolo; o qualunque altro atto tendente alla immediata perdita o distruzione di bastimenti in pericolo;

14. Fuga da un luogo di pena, quando il reato pel quale il colpevole fosse stato condannato fosse uno dei reati suddetti.

And brought before the Court of Police as a Court of *Instruction*.

Art. 2. Every individual apprehended under the provision of the preceding Article shall, within two working days, be brought before the Court of Judicial Police for the Island of Malta, as a Court of Criminal *Instruction*; which Court, on the production of the order given by the Head of the Government for the apprehension, and of the warrant mentioned in the preceding Article, or of an authentic copy of such warrant, shall order that the said individual be kept in custody in the place where persons accused are kept before their trial.

If the apprehension shall have taken place in Gozo or in Comino, the term for bringing before the Court the individual apprehended, shall be six working days.

E presentata alla Corte della Polizia come Corte d'istruzione

Art. 2. Qualunque individuo arrestato in virtù della disposizione dell' Articolo precedente sarà, entro due giorni utili, presentato alla Corte della Polizia Giudiziaria per l'Isola di Malta, come Corte d'Istruzione Criminale; la quale, sulla esibizione dell' ordine dato dal Capo del Governo per l'arresto, e del mandato indicato nell' Articolo precedente, o di una copia autentica di tale mandato, ordinerà che l'individuo suddetto sia tenuto in custodia nel luogo in cui sono tenuti gl'imputati prima del loro giudizio.

Ove l'arresto abbia avuto luogo nel Gozo o in Comino, il termine per la presentazione dell' individuo arrestato sarà di sei giorni utili.

When the Court may order detention.

Art. 3. If, within one month to be reckoned from the day of apprehension, the police shall produce before the said Court such evidence as, if the offence had been committed in these islands, would be sufficient for the committal for trial of the

Quando la Corte può ordinare la detenzione

Art. 3. Se, entro un mese contabile dal giorno dell' arresto, la polizia produce, innanzi la Corte suddetta, tali prove che, ove il reato fosse stato commesso in queste isole, sarebbero sufficienti per sottoporre l'imputato a un atto di accusa, la Corte

accused, the Court shall pronounce a Decree declaring that there are sufficient grounds for committing the accused for trial for the offence for which he was apprehended, and shall order that the said accused shall continue to be kept in custody in the place destined for the confinement of persons sentenced to the punishment of detention.

The term for the production of evidence may, on application by the police, be, on just cause being shown, prorogued by the Court to another period of time not exceeding one month to be reckoned from the last day of the expired term.

Within twenty-four hours next after the aforesaid Decree shall have been pronounced, the Magistrate shall transmit a copy thereof to the Head of the Government.

tions
n Italy.

Art. 4. It shall be lawful for the Court to receive in evidence of the charge against the individual apprehended any deposition given before a Judge or a Magistrate in the Kingdom of Italy.

The authenticity of any such deposition or of the warrant referred to in Article 2, or of the copies of such documents, cannot be impugned, if they shall be presented by the Consul, or by any other person acting as Consul for Italy, and shall bear the seal of the authority from which they shall have been issued, or the seal of the Italian Government.

er .

Art. 5. It shall be lawful for the Head of the Government, within one month to be reckoned from the date of the Decree mentioned in Article 3, by warrant ander his hand, to order the individual referred to in that Decree to be delivered up to any person designated for that purpose by the Italian Government or by the Consul or other person acting as Consul for Italy, in order that such individual may be conveyed to the Kingdom of Italy, there to be tried for the offence with which he is charged.

If, however, it shall not have been proved that the said individual is an Italian subject, the Head of the Government shall not order him to be delivered up, unless he shall be authorized to that effect by one of Her Majesty's Principal Secretaries of State; and, in any such case, the term for the delivery of such individual shall be two months.

Each of the terms contemplated in this Article may also, on application by the Police, be, on just cause being shown, prorogued by the Court to another period of time not exceeding one month to be reckoned from the last day of the expired term.

Art. 6. The delivery of the accused, when it is to be effected, shall take place on board of the ship or other sea-going vessel on board of which the said accused is to be conveyed to the Kingdom of Italy.

pronunzierà un Decreto nel quale dichiarerà esservi ragioni sufficienti per sottoporre l'imputato a un giudizio pel reato pel quale è stato arrestato, e ordinerà che l'imputato medesimo continui ad essere tenuto in custodia, nel luogo destinato pei condannati alla pena della detenzione.

Il termine per la produzione delle prove può essere dalla Corte, per giusta causa, a domanda della polizia, prorogato a un altro periodo di tempo non eccedente un mese contabile dall' ultimo giorno del termine spirato.

Entro le ventiquattro ore susseguenti al Decreto suddetto, il Magistrato ne trasmetterà una copia al Capo del Governo.

Deposizioni prese in Italia.

Art. 4. La Corte può ricevere in prova della imputazione portata contro l'individuo arrestato, qualunque deposizione fatta innanzi a un Giudice o Magistrato nel Regno d'Italia.

L'autenticità di qualunque tale deposizione o del mandato indicato nell' Articolo 2, o delle copie di tali atti, non può essere impugnata, quando fossero presentati dal Console, o da qualunque altra persona gerente il Consolato d'Italia, e fossero muniti col suggello dell' autorità dalla quale emanano, o col suggello del Governo Italiano.

Consegna.

Art. 5. Il Capo del Governo, entro un mese contabile dal giorno del Decreto indicato nell' Articolo 3, potrà, con mandato da lui firmato, ordinare che l'individuo menzionato nel Decreto sia consegnato a qualunque persona a tale oggetto designata dal Governo Italiano o dal Console o da altra persona gerente il Consolato d'Italia, per essere spedito nel Regno d'Italia, onde essere colà giudicato pel reato imputatogli.

Ove, però, non sia stato provato che l'individuo suddetto sia suddito Italiano, il Capo del Governo non ne ordinerà la consegna a meno che non sia a tale oggetto autorizzato da uno dei Principali Segretarj di Stato di Sua Maestà; e, in tali casi, il termine per la consegna dell'individuo medesimo sarà di due mesi.

Ciascuno dei termini contemplati in questo Articolo può, ancora, essere dalla Corte, a domanda della polizia, per giusta causa prorogato a un altro periodo di tempo non eccedente un mese contabile dall'ultimo giorno del termine spirato.

Art. 6. La consegna dell'imputato, quando ha luogo, sarà fatta a bordo del bastimento od altro legno di mare sul quale l'imputato medesimo dovesse essere condotto nel Regno d'Italia.

If the accused, after he shall have been delivered up as aforesaid, shall escape from the ship, he shall be dealt with in the same manner as any individual escaping from a public place of confinement.

It shall be lawful for the person to whom the accused shall be delivered up, to subject him to such restrictions only as may be indispensably necessary for preventing him from escaping from the ship or vessel on board of which he is to be conveyed to the Kingdom of Italy.

Discharge in certain cases.

Art. 7. If within the term fixed in Article 3, the evidence therein referred to shall not be adduced, or if within the term prescribed in Article 5, the accused shall not be delivered up and caused to be conveyed to the Kingdom of Italy, the aforesaid Court, *ex officio*, or upon application by the accused party, shall order such accused party to be discharged.

Expenses.

Art. 8. The expenses incurred for the apprehension, maintenance, and delivery of the accused, shall be borne by the Government of these islands.

When extradition cannot take place.

Art. 9. No individual who, on the day of the promulgation of this Ordinance, shall have been resident in these islands for three years or upwards, shall be liable to be apprehended or delivered up by virtue of this Ordinance, if the offence of which he shall be accused shall have been committed more than three years before that day.

Art. 10. No individual who, though he shall not on the day of the promulgation of this Ordinance have been resident in these islands for three years or upwards, as provided in the foregoing Article, may have arrived in these islands on or before that day, shall be liable to be apprehended or delivered up by virtue of this Ordinance, until the expiration of four months from the said day.

But, if such individual shall, after the promulgation of this Ordinance, leave these islands, and return thereto, the provisions of this Ordinance shall be applicable against him, if there be ground, notwithstanding that the above-mentioned period of four months shall not have elapsed.

When this Ordinance to take effect.

Art. 11. This Ordinance shall commence to be in force from and after the day on which the Head of the Government shall, by Notice, declare that in the Kingdom of Italy a Law, or a Royal Decree having the force of law, is in operation, whereby—

1. The Italian Government shall have power, upon the requisition of the Government of these islands, to order any individual, not being an Italian subject, who may be charged with having committed in these islands any of the offences specified in Article 1, and who may be found within the territorial jurisdiction of His Majesty the

L'imputato, se dopo la consegna evade dal bastimento, sarà trattato come qualunque individuo che fuggisse da un luogo di pubblica custodia.

Colui al quale l'imputato fosse consegnato, può sottoporlo a quelle restrizioni soltanto che fossero indispensabili per impedire la evasione del medesimo da sul bastimento o legno sul quale dovesse essere condotto nel Regno d'Italia.

Art. 7. Se entro il tempo stabilito nell'Articolo 3, non vengono fatte le prove ivi indicate, o se entro il tempo prescritto nell'Articolo 5 l'imputato non viene consegnato e fatto partire pel Regno d'Italia, la Corte suddetta, di ufficio, o a domanda dell'imputato, ordinerà che questi sia messo in libertà.

Liber in alcu

Art. 8. Le spese incorse per l'arresto, il mantenimento, e la consegna dell'imputato, sono a carico del Governo di queste isole.

Spese.

Art. 9. Nessun individuo il quale, nel giorno della promulgazione di questa Ordinanza, fosse residente in queste isole sin da tre anni o più, può essere arrestato o consegnato in virtù di questa Ordinanza, se il reato del quale viene accusato fu commesso più di tre anni prima di quel giorno.

Quando estradiz non può luogo.

Art. 10. Nessun individuo il quale, sebbene nel giorno della promulgazione di questa Ordinanza non sia residente in queste isole da tre anni o più, come è disposto nell'Articolo precedente, sia però giunto in queste isole prima di quel giorno o in quel giorno medesimo, potrà essere arrestato o consegnato in virtù di questa Ordinanza, fino allo spirare di quattro mesi dal giorno suddetto.

Ove, però, tale individuo, dopo la promulgazione di questa Ordinanza, partisse da queste isole, e vi ritornasse, le disposizioni di questa Ordinanza potranno, se vi è luogo, essere applicate contro di lui, nonostante che non fossero scorsi i quattro mesi suddetti.

Art. 11. Questa Ordinanza comincerà ad essere in vigore dal giorno in cui venga dal Capo del Governo, per Notificazione, dichiarato esservi nel Regno d'Italia una Legge, o un Decreto Reale avente forza di legge, per cui—

Quando a effetto qu Ordinanza

1. Il Governo Italiano abbia la facoltà, a richiesta del Governo di queste isole, di ordinare che qualunque individuo, non suddito Italiano, il quale sia imputato di avere, in queste isole, commesso qualunque dei reati indicati nell'Articolo 1, e si trovi entro la giurisdizione territoriale di Sua Maestà il Re d'Italia, sia, a spese del Governo Italiano,

King of Italy, to be, at the expense of the Italian Government, apprehended and delivered up to any person designated by the Government of these islands, in order that he may be sent to these islands to be tried for the offence with which he is charged;

2. No individual who may by virtue of this Ordinance be delivered up to be tried in the Kingdom of Italy, shall, until the expiration of thirty days from the day of the cessation of any impediment that by any sentence, decree, or warrant of any competent authority may have been made to his departure therefrom, be liable to be proceeded against or punished in that kingdom, for any offence committed prior to his being delivered up, except that for which the delivery may have been demanded, and any other of the offences specified in Article 1.

arrestato e consegnato a qualunque persona designata dal Governo di queste isole, onde essere spedito in queste isole medesime, all'oggetto di essere giudicato pel reato imputatogli;

2. Nessun individuo il quale, in virtù di questa Ordinanza, venga consegnato per essere giudicato nel Regno d'Italia, possa, fino allo spirare di trenta giorni dal dì della cessazione di qualunque impedimento che per sentenza, decreto, o mandato di un'autorità competente fosse stato fatto alla sua partenza da quel Regno, essere sottoposto ad alcun giudizio o punito in quel Regno, per alcun reato anteriore a tale consegna, eccetto quello pel quale la consegna sia stata domandata, e qualunque altro dei reati indicati nell'Articolo 1.

Art. 12. When, in order to obtain, in the Kingdom of Italy, the apprehension and delivery of any individual, as stated in the preceding Article, a warrant of a judicial authority in these islands may be required, such warrant, if there be sufficient grounds for it according to law, may be issued by any Magistrate of Judicial Police.

Art. 12. Quando per ottenere, nel Regno d'Italia, l'arresto e la consegna di qualunque individuo, come è disposto nell'Articolo precedente, fosse necessario un mandato di un'autorità giudiziaria in queste isole, tale mandato, concorrendovi sufficienti motivi secondo la legge, potrà essere spedito da qualunque Magistrato della Polizia Giudiziaria.

Da chi può essere spedito il mandato per l'arresto e la consegna d'individui imputati di reati commessi in queste isole.

Art. 13. No individual who may be delivered up by the Italian Government to be tried in these islands, shall, until the expiration of thirty days from the day of the cessation of any impediment that by any sentence, decree, or warrant of any competent authority may have been made to his departure from these islands, be liable to be proceeded against or punished in these islands, for any offence committed prior to his being delivered up, except that for which the delivery may have been demanded, and any other of the offences specified in Article 1.

Art. 13. Nessun individuo il quale sia dal Governo Italiano consegnato per essere giudicato in queste isole, potrà, fino allo spirare di trenta giorni dal dì della cessazione di qualunque impedimento che per sentenza, decreto, o mandato di un'autorità competente fosse stato fatto alla sua partenza da queste isole, essere sottoposto ad alcun giudizio o punito in queste isole, per alcun reato anteriore a tale consegna, eccetto quello pel quale la consegna sia stata domandata, e qualunque altro dei reati indicati nell'Articolo 1.

Gl'individui consegnati per certi reati non possono essere giudicati per altri, fuorchè in alcuni casi.

Passed the Council of Government, at Sitting No. 42, February 13, 1863.

(Signed) G. B. TRAPANI, *Clerk to the Council.*

Assented to this 21st day of February, 1863.

(L.S.) J. GASPARD LE MARCHANT, *Governor.*

By command.

(Signed) VICTOR HOULTON, *Chief Secretary to Government.*

and Malta: 1861–63.

Presented to the House of Commons, by Command of Her Majesty, in pursuance of their Address dated February 10, 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING

AFFAIRS IN JAPAN.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting Affairs in Japan.

No. 1.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, April* 19, 1862.

COUNT FLAHAULT has communicated to me a despatch of M. Thouvenel, with an inclosure containing a despatch of the Minister of Foreign Affairs of the Netherlands to the Representative of His Netherlands Majesty at Paris, relating to the affairs of Japan.

The position of Her Majesty's Government on this question is the following :—

In consequence of a murderous attack upon Her Majesty's Mission at Yeddo, Her Majesty's Minister at Yeddo was constrained to ask Her Majesty's Government for instructions as to the course he was to pursue.

About the same time a letter from the Tycoon, addressed to Her Majesty, was received. In this letter the Tycoon asked for a postponement of the execution of some parts of the Treaty concluded between Great Britain and Japan in the year 1858.

Her Majesty's Government could not do otherwise than take the insult and injury offered to the Queen's Representative into immediate consideration. Nor could the Tycoon's letter to Her Majesty be set aside, or left without an answer.

In these circumstances Her Majesty was pleased to give directions as to these matters, which I transmitted in November last to Mr. Alcock, Her Majesty's Envoy at Yeddo.

Your Excellency will perceive that until some answer is received from Mr. Alcock it is impossible for Her Majesty's Government to enter into a fresh negotiation with the Japanese Envoys which might clash with that now in progress, or concluded at the capital of Japan.

Nor, to say the truth, would Her Majesty's Government expect much result from a negotiation with the Japanese Envoys. If they have received instructions to make concessions, indeed, their overtures would merit attention ; but if they have not been so instructed, it is not probable that any Treaty they might sign here would be confirmed at Yeddo.

Her Majesty's Government, therefore, do not intend to propose any negotiation to the Japanese Envoys. They think it better to treat the Mission as one of ceremony, and of friendly regard for European Powers, rather than as a Mission of business.

Her Majesty's Government entirely agree, however, that it is desirable there should be as much concert as possible between the Ministers of European Courts at Yeddo. Every assistance that can be rendered to friendly Powers by Her Majesty's Minister in Japan will at all times be readily afforded.

No. 2.

Earl Cowley to Earl Russell.—(Received April 26.)

(Extract.) *Paris, April* 25, 1862.

I EXPLAINED to M. Thouvenel the position of Her Majesty's Government in this matter, which he had already learnt from M. de Flahault, and his Excellency seems quite disposed to await the result of the negotiations commenced at Yeddo.

He said that the Japanese Envoys had made to him a communication in writing, containing demands which were quite inadmissible.

No. 3.

The Japanese Envoys to Earl Russell.

HIERMEDE hebben wy het volgende aan uwe Excellentie mede te deelen.

Terwyl wy in den 1sten dag onzer 4de maand (29sten April) de stad Paris verlaten hebben, zyn wy van daag den 2den dag (30sten April) in deze stad aangekomen.

De vervoering van het langen weg over de zee, de beschikkingen om aan de wal te komen, en verdere welwillende behandelingen zyn ons zeer te bedanken.

Voorts zenden wy nu hierbygaande brief, hetwelk door de Ryksraad voor Buitenlandsche zaken in ons Ryk aan uwe Excellentie geadresd is, zoo is het wenschelyk dat uwe Excellentie het ontvangen wilt.

Om nu het bedanken te betuigen stellen wy het voor, met eerbied.

Den 2den dag 4de maand van het 2de jaar van Bun-kuw.

(W. g.) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YVAMI NO KAMI.
KIOGOK NOTO NO KAMI.

(Translation.)

WE have herewith to communicate to your Excellency as follows:

We left Paris on the 1st day of our 4th month (29th April), and reached this city on the 2nd day of the month (30th April).

For the long voyage over the sea, the arrangements for landing and other kind treatment, we return our best thanks.

Further, we send the accompanying letter, which is addressed to your Excellency by the Department of Foreign Affairs in our country, and which we hope your Excellency will receive.

We now respectfully offer our thanks.

The 2nd day, 4th month of the 2nd year of Bun-cuw.

(Signed) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YVAMI NO KAMI.
KIOGOK NOTO NO KAMI.

Inclosure in No. 3.

The Japanese Ministers for Foreign Affairs to Earl Russell.

WY hebben aan uwe Excellentie het volgende mede te deelen.

Terwyl Zyne Majesteit de Taikoen by dezen Takénoöuchy Shimodzoukéno camy, Machoudayra Yvamino camy, Kiogok Notono camy, enz, eerstelyk naar Brittannie en verder naar de andere Traktaat-hebbende Mogendheden afvaardigt, ten einde het opregte hart van de immer durende vrede en vriendschap te bewyzen en het innige gevoelen van het nakomen des Traktaats te betoogen; hebben wy zyne Excellentie R. Alcock, Buitengewonen Afgezant en gevolmagtigden Minister, en zyne Excellentie D. de Bellecourt, gevolmagtigden Minister van Frankryk, verzocht om de schepen tot het heen en terug voeren van de bovengenoemde Afgezanten, daar ons Ryk in de zeevaart zich nog in eenen onvolkomenen staat bevindt.

Nu, Hare Majesteit de Koningin heeft het onmiddelyk ingewilligd door het schip "Odin" herwaarts te zenden; en alle zaken gaan op gelukkige wyze voort, terwyl by dezen de beschikking tot het vertrek van de Afgezanten genomen wordt; welk alles aan het welwillende gevoelen van Hare Majesteit toe te schryven is. Zyne Majesteit de Taikoen schept daar groot genoegen in en heeft ons het bevel gegeven om er aan uwe Excellentie voor dank te betuigen.

Voorts, daar de drie bovengenoemden het bevel ontvangen hebben om, nadat zy het gehoor van Hare Majesteit de Koningin gekregen zullen hebben, dat van den Keizer van Rnsland, en van de Koningin van Nederland, Portugal en Pruissen te hebben, heeft Zyne Majesteit de Taikoen ons bevolen uwe Excellentie te verzoeken om eene hulpzame handbieding van de Britsche Regering in hunne gansche reis ter zee naar de verscheidene Mogendheden heen en terug naar ons Ryk toe.

Het is dus ons hartelyke wensch dat uwe Excellentie er den verslag van aan Hare Majesteit de Koningin doen en eene behoorlyke beschikking daarvoor wil nemen.

Met eerbied en achting voorgesteld.

Den 20 dag der 12de maand van het 1ste jaar van Bun-cuw.

(W. g.) KOEDZE YAMATO NO KAMI.
ANDO TSOESHIMA NO KAMI.

(Translation.)

WE have to communicate the following to your Excellency.

His Majesty the Tycoon having hereby deputed Takénoöuchy Shimodzoukéno Camy, Machoudayra Yvamino Camy, Kiogok Notono Camy, &c., first to Great Britain, and afterwards to the other Powers who have Treaties with him, in order to prove his sincere feeling of everlasting peace and friendship, and to manifest his earnest desire for the observance of the Treaty, we have asked his Excellency R. Alcock, Envoy Extraordinary and Minister Plenipotentiary, and his Excellency D. de Bellecourt, Minister Plenipotentiary of France, for ships to convey the above-mentioned Envoys out and back again; our Kingdom being as yet imperfect in navigation.

Now, Her Majesty the Queen has readily consented to send the ship "Odin" hither, and everything goes on favourably in the arrangements for the departure of the Envoys, all which is to be attributed to Her Majesty's friendly feelings. His Majesty the Tycoon has great satisfaction in this, and he commands us to express gratitude to your Excellency for the same.

Moreover, as the three Envoys above-named have received orders, after they shall have obtained an audience of Her Majesty the Queen, also to seek audience of the Emperor of Russia, and of the Kings of the Netherlands, of Portugal, and of Prussia, His Majesty the Tycoon has commanded us to solicit your Excellency for the friendly aid of the British Government in the whole of their sea-voyage to these several Powers, and back again to our Kingdom.

It is our cordial wish that your Excellency will submit this to Her Majesty the Queen, and take the necessary steps therein.

With reverence and esteem.

The 20th day, 12th month of the 1st year of Bun-cuw.

(Signed) KOEDZE YAMATO NO KAMI.
ANDO TSOESHIMA NO KAMI.

No. 4.

The Japanese Envoys to Earl Russell.

OP belangryke bevel van Zyne Majesteit den Taikoen hebben wy hier aangekomen om het gehoor van Hare Majesteit de Koningin te hebben. Sedert het Traktaat gesloten is geworden, breidt zich de verkeering tusschen beide Ryken meer en meer uit. Ten dien gevolge heeft Zyne Majesteit de Taikoen ons belast om nu, door het zenden van zyn' eigenen brief, zyn opregte hart te bewyzen en de verzekering van het Traktaat te hernieuwen.

Voorts hebben wy het bevel ontvangen om aan Hare Majesteit de Koningin eerbiedig mede te deelen dat Zyne Majesteit de Taikoen het groote genoegen schept in de beleefdelyke schikking om de Afgezanten met de oorlogschepen van Hare Majesteit de Koningin hier en terug te voeren.

En wy wenschen het heil en welvaart van Hare Majesteit de Koningin en het geluk en den voorspoed van de Natie.

(Translation.)

AT the august command of His Majesty the Tycoon we have come here to have audience of Her Majesty the Queen. Since the conclusion of the Treaty, the intercourse between the two nations has been more and more extended. On this account, His Majesty the Tycoon, in sending his own letter, has instructed us to testify to his sincere feelings, and his assurances for the renewal of the Treaty.

We have been further commanded respectfully to communicate to Her Majesty the Queen that His Majesty the Tycoon is much gratified at the gracious arrangement whereby the Ambassadors have been conveyed hither and will be sent back in the war-ships of Her Majesty the Queen.

We wish health and happiness to Her Majesty the Queen, and advancement and prosperity to the nation.

No. 5.

Mr. Alcock to Earl Russell.—(Received May 2.)

(Extract.) *Yokohama, February* 11, 1862.

I HAVE the honour to inclose an official communication from the Ministers of Foreign Affairs, announcing the execution of three of the band that were engaged in the attack on the Legation on the 5th July last. One was the wounded man made prisoner on the spot; the other, also wounded, who was reported to have been seized the next morning in the suburb; the third, a man arrested by the Prince of Mito in his territory.

It appeared they were executed in secret, in their prison; such also was the law: but as I rode to Yokohama the next day, three gory heads, recently severed from their trunks, looked grimly down upon me, elevated only a little above the level of my own, on poles in the execution-ground of the capital, which is close to the edge of the tocaido, skirting the bay. I was struck with the resemblance in one of these heads to that of the wounded prisoner whose countenance I had closely scanned as he lay wounded on his back after the onslaught. This might have been on my part a fancy, but Mr. Siebold, who had no knowledge of their intended execution, I found afterwards was suddenly struck with the same idea, the countenance of the prisoner having apparently been strongly impressed on his memory, when he called the next morning at Tozengeo, by the expression of hate and baffled vengeance with which he met and rivetted the gaze of the youth. If we are to believe the placards placed underneath, however, which I found means to have decyphered, the criminals whose heads were thus exposed were simply highway robbers, executed for entering a temple and stealing. If they were the heads of three of our assailants, it is quite clear the Government did not dare, in exposing them, to make it known. And I had heard it reported that a short time before the Ministers were menaced with the revenge of the men's comrades if execution took place.

The whole of the circumstances afford a curious illustration of the state of the country, and the position, not only of the foreign Representatives, but of the members of e Government.

As I was daily expecting your Lordship's definite instructions in regard to the policy to be pursued at this time, I abstained from any comment, and neither accepted the execution as a satisfaction nor offered any objection.

Inclosure in No. 5.

The Japanese Ministers for Foreign Affairs to Mr. Alcock.

(Translation.)

WE have the following communication to make to your Excellency.

Of those who lately conspired and attacked the British Legation, Yéchoo Sabro, Cesir Kinchiro, and Sheba Siohay declared, at the judicial inquiry, that they had nothing to say in their defence. As their behaviour was unlawful, they were this day put to death. Regarding the other persons, when they are arrested and punished, it will immediately be brought to your notice.

25th day, 12th month, 1st year of Bun-kew (January 24, 1862).

(Signed) KOODSAY YAMATO NO KAMI.
ANDO TSOOSIMA NO KAMI.

No. 6.

Earl Russell to Mr. Alcock.

Sir, *Foreign Office, May* 10, 1862.

I HAVE to instruct you to make known to the Japanese Ministers, and through them to the Tycoon, the gratification which Her Majesty's Government have derived from the visit of the Mission from the Tycoon, which arrived in this country about ten days ago.

The Envoys took advantage of the first opportunity which presented itself for soliciting an audience of the Queen, in order to deliver into Her Majesty's own hands the letter from the Tycoon of which they were the bearers; and though I assured them that in consequence of the deep affliction in which Her Majesty was plunged, and also by reason of Her Majesty's absence in a distant part of her dominions, it was impossible for Her Majesty to receive them, I nevertheless yielded to their earnest representations, and laid before Her Majesty their request for an audience.

I received in due course Her Majesty's reply, and in obedience to her commands I notified to the Envoys Her Majesty's regret that she was prevented from receiving them, and her desire that I should receive the letter of the Tycoon from the hands of the Envoys and forward it to Her Majesty, in the same manner as, since the death of the Prince Consort, I have by Her Majesty's commands received from the Representatives of other Powers the letters addressed by their Sovereigns to Her Majesty.

In further execution of Her Majesty's commands, I acquainted the Envoys that I should be ready to receive from them at this office, on the 9th of this month, the letter from the Tycoon to the Queen.

It is right that I should enable you to inform the Japanese Government that, although submitting with reluctance to the impossibility of being admitted to Her Majesty's presence, the Envoys evinced a very natural anxiety that the letter from the Tycoon should be received by me with all suitable respect, and they suggested that it should be delivered into my hands at the Queen's own palace. It was explained to them, however, by the Under-Secretary of State, through whom the suggestion was made, that such a proceeding was wholly inconsistent with the usages of this country, and that as different countries had different usages, it was sufficient if the letter from the Tycoon, as letters from the Sovereigns of other States, was received by me, in obedience to Her Majesty's express commands, at the Foreign Office.

The Envoys accordingly came to the Foreign Office yesterday, and placed in my hands the letter of the Tycoon, which I have lost no time in laying before the Queen; and it will be my duty to receive Her Majesty's pleasure as to the answer which she may be pleased to return to the Tycoon.

In making known to the Japanese Government what I have stated in this despatch, in which I have given a full detail of what has passed in regard to the delivery of the Tycoon's letter in order that all responsibility may be removed from the Envoys for any deviation from their instructions in that point, you will state to the Japanese Government that Her Majesty has given directions that the utmost attention should be paid to the Envoys of the Tycoon during their residence in this country, and that Her Majesty hopes that the reception which they will have met with from Her Majesty's Government, and generally from the British people, will convince the Japanese Government of the desire of Her Majesty and of her people to be on the most friendly terms with the Tycoon and the people of Japan, and of the sincere goodwill which in this country is entertained towards them.

You may, if you think proper, give a copy and translation of this despatch to the Japanese Government, with a request that it may be laid before the Tycoon.

You will, if there should be any objection to this course, prepare a full memorandum drawn from this despatch, and give a copy of it to the Tycoon.

I am, &c.
(Signed) RUSSELL.

No. 7.

Earl Russell to Mr. Winchester.

Sir, *Foreign Office, May* 26, 1862.

THE Japanese Envoys having expressed a wish to see me on business, I appointed them to come to the office for that purpose on Friday the 16th of this month.

On their arrival I explained to them that Mr. Alcock had received full instructions to communicate to the Japanese Government the course which Her Majesty's Government were prepared to take with reference to the several points adverted to in the letter from the Tycoon to the Queen, and from the Ministers of Foreign Affairs to Mr. Alcock, which were inclosed in Mr. Alcock's despatch of the 16th of August, 1861.* But as they nevertheless expressed a wish to make the communication which they were instructed to lay before Her Majesty's Government, I invited them to proceed.

The general tenor of that communication was such as Mr. Alcock's despatches might have led me to expect. They professed great anxiety to be on friendly terms with this country, and to witness the increase of commercial intercourse. They dwelt, however, on the opposition of the influential classes on the one hand, and of the poor on the other, the latter being influenced more particularly by the augmented price of the necessaries of life resulting from the export trade carried on by foreigners; and on these grounds they

* See "Papers respecting Affairs in Japan," presented to Parliament February 20, 1862, No. 9.

urged the necessity of forbearance in insisting upon the opening of additional ports, a measure which they would have deferred for a time.

I was unable to receive the whole of the communication they wished to make, or to give them any reply; and our interview was accordingly adjourned to the following day.

A few hours, however, before our second meeting I received a telegram from Alexandria, announcing the arrival of Mr. Alcock at Suez, accompanied by the chief Interpreter of the Japanese Government, who was the bearer of special instructions to the Envoys.

This being the case, I informed the Envoys, on their arrival at the office, that it was useless to proceed until they were in possession of their new instructions, and until I had learnt from Mr. Alcock what had been done by him under those which I addressed to him in November last; and I therefore recommended the Envoys to employ the interval in visiting such places, both in the metropolis and in the country, as might offer matter of interest to them.

After a few observations on their part, the object of which was to induce me to listen, nevertheless, to the sequel of their communication, founded on their previous instructions, of the inutility of which, however, I had no difficulty in convincing them, they took their leave.

I expect Mr. Alcock to arrive in a few days, and I shall probably be able by the next mail to acquaint you with what may have been agreed upon with the Envoys, and with their departure from this country on their way to the other Courts to which they are instructed to proceed.

I am, &c.
(Signed) RUSSELL.

No. 8.

Earl Russell to Mr. Winchester.

Sir, *Foreign Office, June 9, 1862.*

THE Japanese Envoys came to the Foreign Office by appointment on the 5th instant. Mr. Alcock was also present.

I informed the Envoys that I had considered what they had stated to me in our conference of the 16th of May in regard to the wishes of their Government, and that I had since ascertained from Mr. Alcock what had passed between himself and the Japanese Ministers immediately before his departure from Yeddo; and that I was therefore now prepared to communicate to them the decision of Her Majesty's Government.

I said that out of regard to the strongly expressed wishes of the Tycoon in his letter to the Queen, and of his Ministers in the letter which they had addressed to Mr. Alcock, Her Majesty's Government were willing to defer the opening on the 1st of January, 1863, of the further ports and cities specified in the Treaty for the space of five years from that date, but that, in return for this concession, Her Majesty's Government will expect that the Japanese Government would strictly comply with all the other conditions of the Treaty. If they should not do so, the concession now made would fall to the ground, and Her Majesty's Government would hold themselves free to insist upon the immediate opening of the reserved ports and cities.

I informed the Envoys that I was prepared to record this concession in a Memorandum, a draft of which I placed in their hands, and in which also I referred to certain other points, of less importance indeed, but which I wished that they should agree to submit to their Government.

The Envoys received the draft, and it was agreed that we should meet the following day to sign and exchange copies of the Memorandum.

This being arranged, the Envoys proceeded to lay before me certain other matters to which they were directed to call the attention of Her Majesty's Government, viz., the visit of ships of war to Japanese ports; the necessity of prohibiting in times of scarcity the export of certain articles from Japan; and the alleged unsatisfactory state of the currency.

On those several points I told them—

1. That I could not consent to any limitation being placed on the visits of ships of war to the ports of Japan, although such ships would not go to any such ports without sufficient cause.

2. That I would consent to temporary restrictions being placed, with the concurrence of Her Majesty's Representative, on the export of articles of food in the event of a deficient

harvest; such restrictions to cease at the expiration of the time agreed on by Her Majesty's Representative.

3. That I could not pronounce decidedly on so large and intricate a question as that of the currency; but that after consultation with other Departments, I would give instructions to the British Minister at Yeddo, in communication with the Foreign Ministers of the Tycoon, to do whatever may be shown to be just and fair.

I allowed the Ministers to have a copy of a paper in which these answers were set forth.

Our meeting then broke up, and was resumed on the following day, when I informed the Envoys that I was ready to admit of certain modifications in the Draft Memorandum for which, in conversation with Mr. Alcock, they had expressed a strong desire. Thereupon the Envoys alluded to other slight alterations in some of the passages of the paper which they wished for, to some of which I assented, while to others I objected.

At last, having come to an understanding, we signed in duplicate the Memorandum of which I inclose a copy; and I then took leave of the Envoys, first placing in their hands the Queen's letter in reply to that addressed to Her Majesty by the Tycoon.

The Envoys will doubtless forward to Japan by an early opportunity the Memorandum, but there is no reason why you should not at once give a copy of it to the Minister for Foreign Affairs, and take proper steps for making known to British subjects that Her Majesty's Government have agreed to defer opening the ports and cities specified in the Memorandum for a period of five years from the 1st of January, 1863, and you will publish a Regulation to that effect.

You will not, however, publish the Memorandum in its entirety without further instructions, unless its publication should appear to you necessary.

I inclose, for your information, copies of the Tycoon's letter to Her Majesty and of Her Majesty's reply.

I also inclose copies of two letters from the Ministers of Foreign Affairs to myself, and of my reply, the original of which I have given to the Envoys.

It is due to the Envoys that you should state to the Japanese Government that the manner in which they have conducted themselves in this country has produced a favourable impression. They have fairly upheld the interests entrusted to them, and by their conciliatory disposition have rendered it more easy for Her Majesty's Government to comply with the wishes of the Tycoon. They have thus earned for themselves a title to the approval of their own Goverement, and Her Majesty's Government trust to hear that on their return to Japan their services have been duly appreciated, and have been viewed with favour by the Tycoon.

You will further express to the Japanese Ministers the earnest hope of Her Majesty's Government that the concessions which Her Majesty's Government have now made to the wishes of the Tycoon will tend to the removal of all present difficulties and embarrassments on the part of the Japanese Government, and that when the interval specified in the Memorandum shall have elapsed, Her Majesty's subjects in Japan will be enabled to enjoy without hindrance the full privileges which are secured to them by the Treaty of 1858, a portion of which, at the earnest entreaty of the Japanese Government, Her Majesty's Government have now allowed to be withheld from them for a time.

I am, &c.

(Signed) RUSSELL.

Inclosure 1 in No. 8.

Statement made by Earl Russell to the Japanese Envoys on the 5th of June, 1862, in regard to certain points which they specifically brought before him, in addition to the general question connected with the Opening of the Ports.

1st. Lord Russell cannot consent to any limitation being placed on the visits of ships of war to the ports of Japan, although such ships will not go to any such ports without sufficient cause.

2nd. Lord Russell will consent to temporary restrictions being placed, with the concurrence of Her Majesty's Representative, on the export of articles of food in the event of a deficient harvest, such restrictions to cease at the expiration of the time agreed upon by Her Majesty's Minister.

3rd. *Currency.*—Lord Russell cannot pronounce decidedly on so large and intricate a question; but after consultation with other Departments, he will give instructions to the British Minister at Yeddo, in communication with the Foreign Ministers of the Tycoon, to do whatever may be shown to be just and fair.

Foreign Office, June 5, 1862.

Inclosure 2 in No. 8.

Memorandum signed by Earl Russell and the Japanese Envoys, June 6, 1862.

IT has been represented to Her Britannic Majesty's Minister in Japan by the Ministers of the Tycoon, and to Her Majesty's Government by the Envoys who have been sent to England by the Tycoon, that difficulties are experienced by the Tycoon and his Ministers in giving effect to their engagements with foreign Powers having Treaties with Japan, in consequence of the opposition offered by a party in Japan which is hostile to all intercourse with foreigners.

Her Majesty's Government having taken those representations into consideration, are prepared, on the conditions hereinafter specified, to consent to defer for a period of five years, to commence from the 1st of January, 1863, the fulfilment of those portions of the IIIrd Article of the Treaty between Great Britain and Japan of the 26th of August, 1858, which provide for the opening to British subjects of the port of Ne-egata or some other convenient port on the West Coast of Nipon on the 1st day of January, 1860, and of the port of Hiogo on the 1st day of January, 1863, and for the residence of British subjects in the city of Yeddo from the 1st day of January, 1862, and in the city of Osaca from the 1st day of January, 1863.

Her Majesty's Government, in order to give to the Japanese Ministers the time those Ministers consider necessary to enable them to overcome the opposition now existing, are willing to make these large concessions of their rights under Treaty; but they expect that the Tycoon and his Ministers will in all other respects strictly execute at the ports of Nagasaki, Hakodadi, and Kanagawa, all the other stipulations of the Treaty; that they will publicly revoke the old law outlawing foreigners; and that they will specifically abolish and do away with—

1. All restrictions, whether as regards quantity or price, on the sale by Japanese to foreigners of all kinds of merchandize according to Article XIV of the Treaty of the 26th of August, 1858.

2. All restrictions on labour, and more particularly on the hire of carpenters, boatmen, boats, and coolies, teachers, and servants of whatever denomination.

3. All restrictions whereby Daimios are prevented from sending their produce to market, and from selling the same directly by their own agents.

4. All restrictions resulting from attempts on the part of the Custom-house authorities and other officials to obtain fees.

5. All restrictions limiting the classes of persons who shall be allowed to trade with foreigners at the ports of Nagasaki, Hakodadi, and Kanagawa.

6. All restrictions imposed on free intercourse of a social kind between foreigners and the people of Japan.

In default of the strict fulfilment by the Tycoon and his Ministers of these conditions, which, indeed, are no other than those which they are already bound by Treaty to fulfil, Her Majesty's Government will, at any time within the aforesaid period of five years, commencing from the 1st of January, 1863, be entitled to withdraw the concessions in regard to the ports and cities made by this Memorandum, and to call upon the Tycoon and his Ministers to carry out, without delay, the whole of the provisions of the Treaty of August 26, 1858, and specifically to open the aforesaid ports and cities for the trade and residence of British subjects.

The Envoys of the Tycoon accredited to Her Britannic Majesty announce their intention, on their return to Japan, to submit to the Tycoon and his Ministers the policy and expediency of opening to foreign commerce the port of Tsusima in Japan, as a measure by which the interests of Japan will be materially promoted; and they engage to suggest to the Tycoon and his Ministers to evince their goodwill to the nations of Europe, and their desire to extend commerce between Japan and Europe, by reducing the duties on wines and spirits imported into Japan, and by permitting glass-ware to be inserted in the list of articles on which an import duty of 5 per cent. is levied, and thereby remedying an omission inadvertently made on the conclusion of the Treaty; and they further engage to recommend to the Tycoon and his Ministers to make arrangements for the establishment at Yokohama and Nagasaki of warehouses in which goods coming from abroad may be deposited, under the control of Japanese officers, without payment of duties, until such time as the importers shall obtain purchasers for such goods, and be prepared to remove them on payment of the import duties.

Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and the Envoys of the Tycoon have accordingly signed this Memorandum, which will be transmitted by the former to Her Majesty's Representative in Japan, and by the latter to the

Tycoon and his Ministers, as an evidence of the arrangement made between them on this 6th day of June, 1862.

(Signed) RUSSELL.

(Signatures of the three Japanese Envoys.)

Inclosure 3 in No. 8.

The Tycoon of Japan to Her Majesty the Queen.

MET innigen eerbied deelen wy aan Uwe Majesteit de Koningin van Groot-Brittannie mede.

Sedert onze hooge onderdanen Midzouno Chykgo no Kami, Nagai Gemba no Kami, Moönye Sinano no Kami, Hory Oribeno Kami, Iwasé Higo no Kami, en Tsuda Hanzabro, op onzen last met Uwen Gevolmagtiden Afgezant den Graaf van Elgin en Kincardine, de beslissing over de vriendschap en den handel genomen en het Traktat in de Stad Yedo uitgewisseld hebben, breidt zich het verkeer tusschen beide Ryken van dag tot dag uit. Ten gevolge hiervan vaardigen wy by dezen Takénoöuchy Simodzouké no Kami, onzen Buitengewonen Afgezant en Gevolmagtigden Minister, Machudaira Yvami no Kami, onzen Gevolmagtigden Minister, Kiogok Noto no Kami, onzen Gevolmagtigden Minister, enz., naar Uw Ryk af om U ons innig vriendelyk gevoelen te bewyzen; welke drie genoemden wy byzonderlyk uitgekozen en benoemd hebben. Zoo verzooken wy Uwe Majesteit em hun geloof te geven en hun met goedheid te ontvangen.

Wy maken van deze gelegenheid gebruik om de vriendschappelyke toegenegenheid uit te breiden, en tevens wenschen wy Uwe Majesteit het geluk en den voorspoed van Uw Ryk.

Den dag van 12de maand van het 1ste jaar van Buncuw.

(L.S.) MINAMOTO YEMOCHY.

(Translation.)

WITH sincere respect we address your Majesty the Queen of Great Britain.

Since our exalted subjects, Midzouno Chykgo no Kami, Nagou Gemba no Kami, Moönye Sinano no Kami, Hory Oribe no Kami, Iwasé Higo no Kami, and Tsuda Hanzabro, by our directions, came to an agreement with your Envoy Plenipotentiary, the Earl of Elgin and Kincardine, relative to friendship and commerce, and concluded a Treaty in the city of Yeddo, the intercourse between the two kingdoms has increased from day to day. Wherefore we despatch herewith Takénoöuchy Simodzouké no Kami, our Foreign Envoy and Minister Plenipotentiary, Machudaira Yvami no Kami, our Minister Plenipotentiary, Kiogok Noto no Kami, our Minister Plenipotentiary, &c., to your kingdom, in order to assure you of our sincerely friendly feelings. We have especially chosen and nominated the three persons above mentioned, and we therefore request your Majesty to trust them, and to receive them with kindness.

We take this opportunity to express our friendly disposition, and at the same time to wish your Majesty happiness and prosperity in your kingdom.

The day, 12th month, of 1st year of Buncuw.

(Signed) MINAMOTO YEMOCHY.

Inclosure 4 in No. 8.

Her Majesty the Queen to the Tycoon of Japan.

VICTORIA, by the grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, &c., to the most high, mighty, and glorious Prince, His Imperial and Royal Majesty, the Tycoon of Japan, our good Brother and Cousin, greeting.

Most high and mighty Prince!

We have to acquaint your Imperial Majesty that Takéno-ouché Shimodzuke no Kami, Matsudaira Iwami no Kami, and Kiogoku Noto no Kami, the eminent personages whom you accredited as your Envoys to our Court, arrived in England a short time ago. It has been to us a source of regret that, as we are now residing in a distant part of our dominions in strict retirement in consequence of severe domestic affliction, we have been unavoidably precluded from receiving your Envoys in person. The letter with which your Imperial Majesty entrusted them was, however, at our desire, delivered by them to our Principal Secretary of State for Foreign Affairs, and was by him transmitted to us.

In thanking your Imperial Majesty for that letter, we desire to express to you our gratification at the visit of your Envoys to this country. They have, by our command, been received and treated with the utmost attention and respect. We trust that the time they have spent in England has been passed in a manner agreeable and profitable to themselves, and that they will report to your Imperial Majesty the friendly reception which has been given to them by our Government, and by the British people generally. It is due to them that we should assure your Imperial Majesty that their language and conduct during their stay in our dominions have been such as to merit our approbation; and we, therefore, feel pleasure in recommending them to your favour.

We embrace this opportunity to assure you of the sincere desire which we entertain for the prosperity of the country which Providence has placed under your rule, and our earnest wishes that the friendly and commercial intercourse which has been happily established between Great Britain and Japan may increase and flourish, and more than fulfil every expectation of the benefits to be derived from the recent Treaty.

And so, with our cordial wishes for your Imperial Majesty's happiness, and the long continuance of your life and reign, we recommend you to the protection of the Almighty.

Given at our Court at Balmoral, the thirty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-two, and in the twenty-fifth year of our reign.

Your Imperial Majesty's affectionate Sister and Cousin,

(Signed) VICTORIA R.

(Countersigned) RUSSELL.

Inclosure 5 in No. 8.

The Japanese Ministers for Foreign Affairs to Earl Russell.

[See Inclosure in No. 3.]

Inclosure 6 in No. 8.

The Japanese Ministers for Foreign Affairs to Earl Russell.

WY hebben aan uwe Excellentie het volgende mede te deelen.

Wy hebben vernomen dat zyne Excellentie Rutherford Alcock, de Buitengewone Afgezant en Gevolmagtigde Minister van Brittannia, by dezen op verlof ter bewaring van de gezondheid voor een' tyd naar Engeland zal vertrekken. Reeds liep het een' langen tyd van vyf jaren aan sedert hy, van den aanvang der uitvoering van het Traktaat, als den diplomatieke Agent in ons Hof zyn verblyf hield. Hy heeft eene volkomene ondervinding van den staat van zaken onzes Ryks, en hy heeft nooit het koude gevoelen jegens onze Regering; waarin de Regering groot genoegen schept.

Dan, hoewel voor een' korten tyd, is het ons zeer onaangenaam, dat hy by deze gelegenheid van hier terug reist; doch zulks zou waarschynlyk voor de noodzakelyke omstandigheden plaats vinden.

En Tamato no Kami heeft ook met den Chargé d'Affaires, Winchester, Esq., het gesprek gehouden, hem de welkomst betoond en verzocht, dat hy alles vriendelyk gelyk tot nu toe wil schikken.

Nu is het wenschelyk dat het bovengemelde aan Hare Majesteit de Koningin van Brittannia op eene voegzame wyze voorgedragen zal worden.

Met eerbied en achting voorgesteld.

Den 20sten dag der 2de maand van het 2de jaar van Bun-cuw.

(Was geteekend) KOEDZE TAMATO NO KAMI.
ANDO TSOESIMA NO KAMI.

(Translation.)

WE have to communicate to your Excellency as follows:

We have understood that his Excellency Rutherford Alcock, the Envoy Extraordinary and Minister Plenipotentiary of Great Britain, is about to return on leave to England, for some time, for the benefit of his health. The long space of five years has already elapsed since he became the Diplomatic Agent at our Court, at the commencement of the execution of the Treaty. He has a full experience of the state of things in our country, and has always had a good feeling towards our Government, which has given great satisfaction to the Government.

We regret, therefore, that he should have to go away on this occasion, though but

for a short time; yet it appears to be necessary that he should do so. Tamato no Kami has had an interview with — Winchester, Esq., the Chargé d'Affaires, whom he has welcomed, and has requested that everything may be arranged in a friendly spirit, as heretofore.

We hope the above may be laid before Her Majesty the Queen of Great Britain in a suitable manner.

With reverence and esteem.

The 20th day of the 2nd month of the 2nd year of Bun-kew.

(Signed) KOEDZE TAMATO NO KAMI.
ANDO TSOESIMA NO KAMI.

Inclosure 7 in No. 8.

Earl Russell to the Japanese Ministers for Foreign Affairs.

Foreign Office, June 7, 1862.

THE Undersigned, &c., had the honour to receive the friendly letter which Koodze Yamato no Kami and Ando Tsusima no Kami, Ministers of Foreign Affairs of the Tycoon, forwarded to him by the Envoys whom the Tycoon had accredited to the Queen, and the further letter from their Excellencies which was brought to this country by Moryama. The Undersigned has fully understood the purport of these letters, and has received with great satisfaction the evidence which they afford of the friendly feelings of the Tycoon and his Government towards this country.

The Undersigned cannot allow the Envoys of the Tycoon to quit this country on the termination of their Mission, without expressing to the Ministers of the Tycoon the gratification which Her Majesty's Government have derived from the visit of the Envoys, and their entire satisfaction with the manner in which those Envoys have discharged the duties confided to them by the Tycoon.

The deep affliction with which Her Majesty the Queen has been overwhelmed has unfortunately prevented Her Majesty from receiving the Envoys of the Tycoon, and from expressing to them directly the feelings of friendship and regard which Her Majesty entertains for the Tycoon, and her earnest desire that the relations of the two countries may continue on the most amicable footing. But Her Majesty has commanded the Undersigned to explain to the Ministers of the Tycoon that no blame is imputable to the Envoys for not having been admitted to Her Royal presence; and Her Majesty trusts that the result of the mission of those Envoys will be beneficial to both countries, and by a complete understanding in reference to the Treaties the foundation of lasting peace and friendship has been laid.

The Undersigned has, in obedience to Her Majesty's commands, afforded the Envoys of the Tycoon the opportunity of acquainting themselves, as far as time would permit, with various objects of interest which this country contains; and the Undersigned confidently believes that the reports which the Envoys will make of the manner in which they have been entertained in this country will be interesting to the Government of the Tycoon, and will tend to improve the good understanding which now happily prevails between the two countries.

The Undersigned is happy to assure the Ministers of the Tycoon that the entire conduct of the Envoys during their residence in this country has produced a most favourable impression on the British Government and people, and the Undersigned can truly recommend the Envoys to the favour of the Tycoon for the manner in which they have upheld the interests of Japan, and at the same time earned for themselves the goodwill of Her Majesty's Government.

The Queen has learned with great satisfaction that the character and conduct of Her Envoy, Rutherford Alcock, is rightly appreciated by the Tycoon and his Ministers. Her Majesty places the utmost confidence in the ability and uprightness of her Envoy, an his discretion in the execution of the instructions which Her Majesty has at different times been pleased to convey to him, has earned for him her entire approval; and the Tycoon and his Ministers may be assured that the happy result which has attended the mission of the Tycoon's Envoys to this country is attributable in no small degree to the representations and advice which, in the interest of the Japanese Government, Mr. Alcock has submitted to Her Majesty's Government.

The Undersigned is happy to avail himself of this opportunity to assure the Ministers of the Tycoon of his high regard, esteem, and consideration.

(Signed) RUSSELL.

No. 9.

*Earl Russell to Earl Cowley.**

My Lord, *Foreign Office, June* 7, 1862.

THE conferences which I have held with the Japanese Envoys in this country resulted in the signature, yesterday, of the Memorandum of which I inclose a copy for your Excellency's information, and for communication to the Government of the Emperor of the French.† You will perceive by this Memorandum that the delay in opening certain ports asked for by the Tycoon has been granted by Her Majesty's Government.

The statements which the French Ambassador has made to me of the opinions of the Imperial Government on the matters referred to in the Memorandum, and which have been also reported to me by Mr. Alcock since his return to this country, leave no doubt on my mind as to the concurrence of the French Government in the agreement recorded in this Memorandum. There seems, indeed, to have been no other course open to the Treaty Powers than that of consenting, under specific conditions, to waive for a time their right to have access to the other ports and cities of Japan specified in their Treaties; for if they had insisted on their right, they might have been forced to adopt measures which would have been not only inconvenient to themselves, but which might have gone far to defeat all their hopes of benefits to be derived from commercial intercourse with Japan.

Your Excellency will further state to M. Thouvenel that when informed of the consent of Her Majesty's Government to defer the opening of fresh ports, the Japanese brought forward three other proposals, which they said they were instructed to lay before the British Government,—namely, the exclusion of ships of war from Japanese ports, the permission to prohibit the export of articles of food in case of scarcity, and the present state of the currency in Japan.

I stated, in reply, and gave them in writing a note to that effect:—

1. That Her Majesty's Government could not consent to any limitation being placed on the visits of ships of war to the ports of Japan, although such ships would not go to those ports without sufficient cause.

2. That Her Majesty's Government consented to temporary restrictions being placed, with the concurrence of Her Majesty's Representative, on the export of articles of food in the event of a deficient harvest, such restrictions to cease at the expiration of the time agreed upon by Her Majesty's Minister.

3. That I could not pronounce decidedly on so large and intricate a question as that of the currency; but that after consultation with other Departments, I would give instructions to the British Minister at Yeddo, in communication with the Foreign Ministers of the Tycoon, to do whatever might be shown to be just and fair.

The Envoys having thus completed their business in this country, I took leave of them, and they will proceed to Holland in a few days.

I am, &c.
(Signed) RUSSELL.

No. 10.

The Japanese Envoys to Earl Russell.—(Received June 8.)

WY hebben het volgende aan uwe Excellentie voor te stellen.

Over de punten vermeld op de hierbygaande papier, wenschen wy met uwe Excellentie te beraadslagen; maar zoo de gelegenheid U niet toelaat om ons te ontvangen, wenschen wy dan over de gemelden punten met Edmund Hammond, Esq. Onder Secretaris van den Staat der Buitenlandsche zaken, beraadslagen en beslissing te nemen.

Aangezien wy nu geen tyd genoeg hebben alvorens ons vertrek, wordt het verlangd dat uwe Excellentie spoedig den dag van het byeenkomst bepalen en ons mede deelen wil.

Met eerbied voergesteld.

Den 11den dag der 5de maand van het 2de jaar van Bun-kuw.

(W. g.) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YWAMI NO KAMI.
KIOGOK NOTO NO KAMI.

* Similar despatches were addressed to Sir A. Buchanan, Lord A. Loftus, Lord Napier, and Mr. Herries, the first sentence of the second paragraph being omitted.

† Inclosure 2 in No. 8.

(Translation.)

WE beg to make the following communication to your Excellency:

We wish to consult with your Excellency respecting the points set down in the accompanying paper; but if your engagements will not permit you to receive us, we wish to consult with Edmund Hammond, Esq., Under-Secretary of State for Foreign Affairs, upon the said points, and to come to a decision.

As our stay in England is now very short, we trust your Excellency will appoint an early day for the conference, and communicate the same to us.

With respect.

The 11th day of the 5th month of the 2nd year of Bun-kew.

(Signed) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YWAMI NO KAMI.
KIOGOK NOTO NO KAMI.

Inclosure in No. 10.

Memorie.

1. Over de hermunting (op wensch nader mede te deelen).
2. Over de uitvoering van koper-werken.
3. Over het niet buiten's lands meenemen van Japanners, die zich onder de dienst van de vreemdeling vindt.
4. Over het schieten van geschut met kogel, gedurende het verblyf in de haven.
5. Over het meenemen van cavallerie-escort, gedurende het verblyf in Japan.
6. Over het regt op de zaken voor het eigengebruik van officieren.
7. Over het niet begraven, buiten de geöpende havens.
8. Over de ontbieting van de bediender van vreemdeling, wanneer hy verhoord moeten worden.
9. Over de grensbepaling van de verblyf-plaats in iedere haven.

(Translation.)

1. Respecting re-coining (on the desire to communicate further).
2. Respecting the exportation of copper articles.
3. Respecting the not taking out of the country Japanese who are in the service of foreigners.
4. Respecting firing with shot while staying in the harbour.
5. Respecting the taking cavalry-escort while staying in Japan.
6. Respecting the duty upon things for the private use of officers.
7. Respecting not burying elsewhere than at the open ports.
8. Respecting the summoning of the servants of foreigners for examination.
9. Respecting the limitation of the place of residence at each port.

No. 11.

Earl Russell to the Japanese Envoys.

Foreign Office, June 9, 1862.

THE Undersigned, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, has had the honour to receive the note which the Envoys of the Tycoon addressed to him on the 8th of June, inclosing a paper in which certain articles are stated which the Envoys desire to discuss and settle with the Undersigned before their departure from England, or with Mr. Hammond, the Under-Secretary of State for Foreign Affairs, should the engagements of the Undersigned not admit of his receiving them.

The Undersigned considers, however, that those points being of secondary importance, can more conveniently be discussed and settled in Japan; but, even were it otherwise, the fact that all the points which the Envoys of the Tycoon had expressed a wish to bring forward were fully discussed in the Conferences which have taken place, and the results of the discussion consigned to the Memorandum which was signed on the 6th of June, on the signature of which the Envoys of the Tycoon took leave of the Undersigned, as having completed their business in this country, necessarily precludes the Undersigned from entering into any further discussion with them on matters of business during the remainder of their stay in the country.

The Representative of Her Majesty at the Court of the Tycoon will, of course, be

ready to listen to any observations which the Ministers for Foreign Affairs may desire to make to him on the various points adverted to in the statement which was inclosed in the note of the Envoys, and he will faithfully report to the Undersigned any such observations; and the answer of Her Majesty's Government will in due course be conveyed to the Ministers of the Tycoon through the channel of Her Majesty's Minister.

The Undersigned may, however, at once say that Her Majesty's Government will not agree to any proposal which may be made by the Ministers of the Tycoon, having for its object to preclude the Representative of the Queen in Japan from maintaining a Cavalry escort for the protection of Her Majesty's servants in that country. The Tycoon cannot ensure the safety of the British officers within the precincts of the capital and its immediate neighbourhood; and even if the Tycoon were to engage to do so, it is notorious that he would not have the power to fulfil his engagement.

The Undersigned again wishes the Envoys of the Tycoon a prosperous journey through the States of Europe which they are about to visit, and a happy return to their own country; and he avails himself of this opportunity to repeat to them the assurance of his esteem and regard.

(Signed) RUSSELL.

No. 12.

Earl Russell to Mr. Winchester.

Sir, *Foreign Office, June* 9, 1862.

I INCLOSE, for your information, a translation of a letter which I have received from the Envoys of the Tycoon,* proposing to discuss with me the several points adverted to in the note inclosed in their letter.

You will see by my reply, of which I inclose a copy,† that I have declined to enter upon these matters, on the ground that all discussion between us, on matters of business, was closed by the signature of the Memorandum of the 6th of June; but that I have agreed that you might listen to any observations on those points which the Ministers of the Tycoon might wish to offer, and that you should thereupon refer them home for the decision of Her Majesty's Government. You will observe, however, that I have peremptorily refused to agree to any proposal having for its object to deprive Her Majesty's Mission in Japan of the protection of a cavalry escort.

I am, &c.

(Signed) RUSSELL.

No. 13.

The Japanese Envoys to Earl Russell.—(Received June 10.)

HIERMEDE hebben wy het volgende aan uwe Excellentie mede te deelen.

Indien de zijden-cocons, cocons-eyeren en wapentuig, waarvan wy onlangs met U beraadslaagd hebben, nu in iedere haven van Japan willekeurig zouden gekocht en verkocht worden, dan zou het tegen de nationale gevoelen streeven en zeer onvoegzaam zyn, zooals ooit medegedeeld.

Dus is het U te bedanken, dat uwe Excellentie de voorwaarde aangenomen hebt dat de schikking genomen zal worden, om de gemelde drie artikelen alleen, door de bevoegde te verkopen, zoo de Minister en Consuls in Japan de gemelde artikelen tot nut en gebruik aan onze Regering vragen, zoo als het tot nu toe plaats vindt.

Het is wenschelyk dat uwe Excellentie het bovengemelde aan de Minister en Consuls in Japan mededeelen wilt.

Met eerbied voorgesteld.

Den 13den dag der 5de maand van het 2de jaar van Bun-kuw.

(W. g.) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YVAMI NO KAMI.
KIOGOK NOTO NO KAMI.

(Translation.)

WE have herewith to communicate to your Excellency as follows:

If the silk-cocoons, silkworms' eggs, and arms, about which we consulted with your

* No. 10. † No. 11.

Excellency lately, were now bought and sold without restriction in every harbour of Japan, it would be against the national feeling, and most inconvenient, as has always been stated.

We have to thank your Excellency, therefore, for having arranged that those three articles shall not be sold by any other than authorized persons, so that the Minister and Consuls in Japan are to ask our Government for the three said articles when required, as has been the usage hitherto.

It is desirable that your Excellency should communicate the above to the Minister and Consuls in Japan.

With great respect.

The 13th day, 5th month, 2nd year of Bunkew.

(Signed) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YWAMI NO KAMI.
KIOGOK NOTO NO KAMI.

[*Note.*—The arrangement made with the Japanese Envoys was, that no obstacle should henceforth be raised to prevent the export of these articles, but that the mode in which the purchase and shipment should be effected, it was agreed, should be an application on the part of the foreign merchant, through his Consul, stating the quantity of each he wanted, when a licence would be granted.—R. A.]

No. 14.

Mr. Alcock to Earl Russell.—(*Received June* 11.)

(Extract.) *Yeddo, March* 17, 1862.

THE Ministers have since informed me that three more of the assailants on the night of the 5th July have been arrested in Prince Mito's territories, and will be proceeded against. Also that the only survivor in the recent attack on the Foreign Minister has confessed that some of the party were men engaged in the attack on the Legation.

If so, and only 14 were actually engaged (which has always seemed to me doubtful), they will have pretty well accounted for the whole number,—3 having been killed on the spot, 3 taken prisoners and since executed, 2 committed suicide, 3 more lately arrested, 3 supposed to have been killed in the recent attack on the Foreign Minister; total 14.

No. 15.

Mr. Alcock to Earl Russell.—(*Received June* 11.)

(Extract.) *Yeddo, March* 17, 1862.

I AM at length enabled to report the result of my efforts to give practical effect to the instructions conveyed in your Lordship's despatch of the 23rd November last.

The whole progress and the result of these negotiations will be found detailed in the inclosed copy of the Minutes of two conferences with the President of the Gorogio, to the last of which is also attached copy of a despatch addressed to the Ministers of Foreign Affairs, in the interval between the two conferences.

Your Lordship will see that I have not felt justified in coming to any conclusion as to the deferred opening of the ports, demanded by the Japanese Government, for the simple reason that they wished everything to be conceded, and had nothing to offer in return but a vague hope of improvement in the course of years.

As my instructions were clear that I was not to make concessions without equivalents, there was no room for hesitation, and I simply declared my inability to make any or to negotiate at all on such a basis.

Having arrived at this conclusion, I think it right to call your Lordship's attention to certain points of great interest and significance, which the discussion brought out.

The fact was established that the actual Government of the Tycoon could at present hold out no hope of the defects in the obligatory character of the Treaties being remedied. To effect this, they want a period of five or six years certain, and the promise of such delay in the opening of other places, as a means of allaying discontent, neutralizing opposition, and working to good effect. If any one of the four places be retained, or any equivalent in other ports be exacted, their chief hope of success will be defeated and their best means of working paralyzed.

This is the case, enforced by every kind of argument, of the existing Government. They will do their best; they hope to succeed, without being altogether sanguine, with such means placed in their hands; at all events they see a possibility of success, and without it, or driven to extremity by the refusal of the Treaty Powers to accede to the Tycoon's proposition for the unconditional delay, they see only civil and foreign war and universal ruin.

Everything of course depends upon the degree of faith that may be placed in the correctness of this view of their position.

That the Government of the Tycoon has real difficulties of no ordinary kind and actual dangers to contend with, threatening the dynasty and the existence of the Government, I am quite satisfied. That they believe this, with means of information to which no foreigner can pretend, has been placed beyond all doubt in my mind by what has transpired during these negotiations and my present sojourn in Yeddo. Against the assaults of their enemies they feel weak, it is plain, and to strengthen their position would risk or concede much. They have not only paid almost without a struggle, and on the first demand, a large pecuniary indemnity for Mr. Oliphant's wounds, though I had to make it under circumstances the least favourable to success, but they have determined on sending Moriyama with fresh instructions to the Mission, alone with me to Europe, as an officer more deeply in their confidence and more thoroughly versed in all that has taken place from the beginning with foreign Powers than any other in Japan. It is necessary to have lived in Japan, I believe, to have seen daily and hourly the suspicion and jealousy of the Ruling Powers in all that concerns unrestricted intercourse with foreigners, to understand how much is involved in such a step.

If the President of the Council had, unannounced, paid me a friendly visit alone, unattended by spy or colleague, or the Tycoon himself had proposed to me to make him one, I should not have been more taken by surprise; nor could either have constituted a more startling departure from established customs, laws, and traditions. It implies a degree of confidence which I should have been slow to count upon; but what is much more important, it is a demonstration of extreme anxiety as to the issue of this question, and fear for an adverse result, which overrides all other considerations of law or prudence. They feel weak as a Government in face of their enemies, and are proportionately anxious to obtain breathing-time for the struggle, which they foresee may otherwise be precipitated to their destruction.

Whatever may be the amount of good faith with which they have conducted their policy in regard to foreigners (and in my opinion it has been little enough), and however doubtful may be their improvement under the reprieve thus earnestly desired (and doubtful it certainly must be considered), they feel at this moment so vehemently pressed between two great dangers, the one from within, and the other from without, that their unwillingness to guarantee anything I think the best trait in the character of those at the helm I have known, for I am certain it arises from a conviction of utter powerlessness to answer for the future.

Whether, under such conditions, it would be better to give the unconditional delay required, frankly and largely trusting to the hope of better prospects at the end of the period, and possibly some improvement in the interval for the trade already existing; or to stand upon our rights, and insist upon the execution of the Treaty in its integrity, is a question for Her Majesty's Government to determine. In either case the responsibility, no doubt, must be considerable. No one, I conceive, would be bold enough to answer for a good result as the certain reward of forbearance and patience; nor is there, in effect, any guarantee that we may not find it still more impracticable to open the ports at the end of such term without a resort to coercive means. But still less is it possible to guarantee the absence of complications—civil war, and hostilities with foreign Powers in the event of a determined insistance now on the full execution of the Treaty by the opening of all the places specified.

One thing is clear: if any foreign Power should resolve, during the next few months, to insist upon the opening of the remaining ports, they must be prepared to enforce their demand by material means of pressure adequate to the end in view. Judging from all I know and have been able to learn, it is scarcely less clear to me that if Great Britain does not take this course, no other Treaty Power will.

I have only to state in conclusion that, as regards the satisfaction I was instructed to require for the attack on the Legation, two of the points had been already conceded—the concession of a defensible site for the Legation, and the execution of the prisoners; the third, a pecuniary indemnity, has now been yielded.

Inclosure 1 in No. 15.

Minutes of a Conference with the Japanese Ministers of Foreign Affairs, March 12, 1862.

Present:

Koodji Yamato no Kami, Foreign Minister and President of the Council.
Sakai Oukio Noske, Member of the Second Council.

THE conference was at first of the usual public character, and items of business from the different ports were successively brought forward and discussed.

None of these subjects were of much general interest, except a discussion that took place on the proceedings taken at Yokohama by the local authorities for the recovery of debts owing by Japanese to British subjects, and the abuses connected with Government building contractors being forced upon British residents, who were protected by the authorities in a way to defeat all attempts to enforce the conditions of the contracts entered into.

The Envoy remarked in regard to the first, that the results were by no means of a satisfactory character; that the only fruit of six weeks incessant negotiation between Her Majesty's Consul at Yokohama and the Governor pending the detention of the ground-rents due by the British community, had been an undertaking on the part of the authorities to secure payment at a long deferred date of about 5 per cent. of the whole amount owed; viz., 2,500 dollars on 50,000 dollars.

One important conclusion Her Majesty's Envoy drew from the experience he had acquired on this head was that the corruption and collusion of the subordinate officials had been one of the main obstacles to the attainment of the end in view.

The Envoy further observed that two principles usually guided the efforts of justice for the recovery of fraudulent debts in civilized countries.

In breaches of contract when a fraud is involved, it is the principle to punish the defrauder criminally and to compensate the sufferer as far as the goods of the fraudulent debtor would admit; but the principle at Yokohama is to do neither; and this strikes at the root of all confidence and all trade.

Answered.—The strictest orders had been sent to the Governor to exert his utmost powers for the recovery of these debts; at the same time it must be remembered that advances had been recklessly made by foreigners, and that no Government could be expected to provide remedies for acts of individual imprudence.

The Ministers trust that no further delay in the payment of the rents will take place.

The Envoy rejoined that though he was not disposed to deny that there were instances of rash advances in anticipation of produce to be delivered, yet other cases were those of foreign goods actually purchased and taken delivery of by the Japanese under reasonable security for payment. Now as the Government restricted the permission to enter Yokohama and deal with foreigners to such Japanese as they themselves approved of, they must be considered as compelling the foreign merchant to deal with these men, and thereby become especially bound to obviate the evils of fraudulent trading by such licensed traders.

Answered.—That though it is admitted that foreigners can only deal with the Japanese who have received Government permission to trade at Yokohama, yet dishonest people may creep into the number of such admitted traders without the Government being able to prevent it. The Ministers hope that the Envoy will warn Her Majesty's subjects to be careful in their trading.

The Envoy regrets that in reference to this subject he is compelled to repeat his conviction that essential justice has not been done to the foreign debtors; and it will be his duty to report in this sense to his Government. The most assiduous efforts on the spot have failed to produce a satisfactory result, and it will be for Her Majesty's Government to consider whether, at any future convenient time, they shall see fit to make the payment of these claims a subject of special demand for redress.

In the meantime Her Majesty's Envoy stated his determination that no suspicion should rest on his good faith, and declared that previous to his departure orders should be issued for the payment of the ground-rents.

Answered.—The Ministers acknowledge the good faith of the Envoy; they on their side repeat that further orders should be given to the Governor of Yokohama to obtain, if possible, more satisfactory results, and especially to require from the Japanese debtors less distant periods of payment.

The Envoy then referred to the matter of house-building contracts,

He complained in warm terms of the gross misconduct of the inferior Government officials in forcing certain contractors on foreigners wishing to build. On the payments made a large per-centage was taken by these officials, so that it was impossible for the men of straw put forward by them to complete their agreements. When Her Majesty's subjects invoked the assistance of the Consul, their demands were met by every possible device that an acute chicanery could produce. Such a state of things was intolerable, and by permitting it to go on the Japanese Government made themselves directly responsible for the failure of these contracts.

Answered.—That the carpenters were poor men, and advances must be made to them as the work was being proceeded with.

The Envoy replied he would not discuss such details. What he required was, that there should be no interference on the part of the Customs authorities to force certain contractors on the foreign community, and that there should be no restriction as to even the employment of what parties they might see fit to contract with. He demanded that peremptory orders to this effect should be issued.

A further attempt having been made to enter on particulars of certain cases, the Envoy again declined to discuss such details; what he required was a plain Treaty right.

Answered.—Such orders should be given.

The Envoy now directed the attention of the Ministers to the fact that Mr. Winchester, the future Chargé d'Affaires, had taken a special note of their full assent to the principle involved in this demand. It would be for the Japanese authorities faithfully to observe it, and so avoid the numerous evils and annoyances which a contrary course had produced.

The British Envoy having intimated that the ordinary business having now been gone through, he was prepared to discuss in virtue of his instructions the subjects referred to in the letter of the Tycoon to Her Majesty; and for this purpose suggested that the conference should now be conducted in the confidential manner already adopted when important political subjects were under deliberation. This was at once agreed to by the Ministers, and the attendant Governors, &c., having withdrawn, the conference was reduced to the Minister and member of the Second Council, and Moriyama the interpreter, on the Japanese part; the Envoy, and Messrs. Winchester and Eusden, on the British.

The Envoy proceeded to remark that by the receipt of Her Majesty's instructions, he was now in a position to state the views entertained by his Government as to the attack on the Legation, and the proposal to defer the opening of certain ports and places as specified in the Treaties. He had also received a letter under Her Majesty's hand for the Tycoon, which it was his duty to deliver in person. This would also be a fitting occasion for his taking leave of the Tycoon and presenting his successor, Mr. Winchester, a procedure in strict accordance with European etiquette.

The Envoy hoped to be able to leave Japan in about a fortnight, as he was anxious to meet the Japanese Embassy in England, and the arrangements for the audience would, he trusted, be made accordingly.

Answered.—The Minister feared that the ceremonies and receptions connected with the Tycoon's marriage might interfere to prevent so early a reception of the Envoy.

The Envoy remarked that in proposing this interview he desired to pay the customary tribute of respect to the Tycoon prior to his departure from his post.

The Minister replied that he would endeavour to make a suitable arrangement, and hereafter report the result.

The Envoy then stated that he was instructed by Her Majesty's Government to declare that the murderous attack on the British Legation, and the proposal of the Tycoon to defer to a still more distant date the fulfilment of the deferred stipulations of the Treaty, coming simultaneously as they did in point of time, made it incumbent on Her Majesty's Government to require that redress for the injury sustained should precede the consideration of any proposal to waive the stipulations of the Treaty. To do otherwise would be to place Her Majesty's Government in the position of appearing to yield to menace, and encourage further outrage.

On this head Her Majesty's Government had instructed the Envoy to confine his demands principally to three points; and here he was happy to observe that on two of these points the wishes of Her Majesty's Government had already to a considerable extent been anticipated by what had been done and arranged by the Japanese Government in concert with himself.

The first point was the condign punishment of the surviving assassins who had so atrociously violated the sanctity of a diplomatic residence. The Envoy gladly acknowledged what had been done to secure the safety of the Legation by the defences erected

and the increase of the guards. With respect to the punishment of the assassins, a good deal had also been done.

Supposing them to be fourteen in number, the following account, as given to him, accounted for eight of the fourteen:—Three killed on July 5, 1861; two committed suicide; three recently executed. The Envoy had now to ask what had become of the other six.

Answered.—Two had been only recently arrested in the territories of the Prince of Mito. These men had not yet been brought to Yeddo, but as soon as these were brought here, proceedings would be instituted and justice done. The Minister had also reason to think that one or more of the remaining four were concerned in the recent attack on Ando Tsusima no Kami.

Visibly there were eight men concerned in this last attack. Six were killed; one killed himself; and it is from the eighth, taken prisoner, that they had received this statement. Every care would be taken to test its truth, and the result should be communicated.

The Envoy asked whether Ando Tsusima no Kami was wounded with pistol or sword.

Answered.—Ando received two sabre-cuts on the back and thigh respectively; one of his servants was wounded by a pistol-shot.

The Envoy pointed out that the attack on Ando rendered the punishment of such bravos as necessary to the safety of the Japanese Ministers as of Foreign Envoys, and that the existing insecurity would be greatly increased if brigands were allowed to provide themselves with foreign fire-arms.

The Minister would, however, report to his Government that he believed the Ministers had used their best endeavours to do justice and secure the punishment of the offenders.

The Ministers repeated their intention to afford every satisfaction with respect to the two bravos taken in Prince Mito's territory, and would communicate any facts with respect to the alleged identity of the Legation assailants with the assassins of Ando Tsusima no Kami.

The Envoy replied that he could with much satisfaction report to his Government that this was the first instance in which a blow had ever been struck in defence of a foreigner, or Japanese criminals punished for an attack upon one.

2nd Point. The concession of a suitable site for the Legation, to be placed in a defensible state at the sole expense of the Tycoon's Government.—This the Envoy considered under full accomplishment. He imagined, indeed, that his Government contemplated this concession should be made free of charge; but as he had already agreed with the Ministers to the payment of a specified rent, he would take it on himself to adhere to the arrangement as previously agreed upon.

Answered.—The statement of the Envoy was fully understood and acknowledged.

3rd Point. Compensation for wounded officers.—On this head, the Envoy was not disposed to imagine he would meet with any difficulty.

The Ministers were aware that Messrs. Oliphant and Morrison were wounded.

The former had received severe injury. He had in consequence lost the use of his left arm, and was maimed and crippled for life. If he had been so wounded in the military service of his country, an officer of his rank would have been entitled to an annual pension of at least a thousand dollars per annum. The principal of compensation had reference both to the rank of the officer and the severity of the wound.

In this case, Mr. Oliphant was of high rank and the injury very grave. Her Majesty's Government would, therefore, have been justified in demanding for Mr. Oliphant a capital sum corresponding to the above-named annuity. But Her Majesty's Government were not disposed to press an extreme claim in the present instance.

The demand, therefore, was limited to the sum of 10,000 dollars, to cover the compensation for the injuries referred to, both in the case of Mr. Oliphant and Mr. Morrison.

Answered.—The Minister recognized the claim, and was not disposed to raise objections on the ground of any want of moderation of this demand; but before formal assent could be given, he must consult Ando Tsusima no Kami.

The Envoy expressed his trust that this point might be regarded as settled, though it could not be formally or officially agreed to at this conference, for only upon this supposition could he feel authorized in proceeding with further negotiations.

The way having been thus cleared, Her Majesty's Envoy now proceeded to enter on the concessions referred to in the Tycoon's letter. It had been proposed to Her Majesty's Government that they should agree to defer the opening of two cities and two

ports for five years, viz.:—Yeddo and Ne-egata, and Osaca and Hiogo, until January 1, 1868. Her Majesty's Government considered that though the stipulations of a solemn Treaty between the two Governments could not be lightly departed from, they were not indisposed to consider the difficulties which might surround the Government of Japan. They were willing, therefore, to discuss these proposals with a view to consult the necessities of a friendly Government. But in doing so, it was desirable to state frankly at the outset that any arrangement to be made must be in conformity with two principles, viz.:—

1. No concession could be made without some equivalent.

2. There must be no essential restriction of the trade as contemplated by the terms of the Treaty.

The Envoy considered that the principal danger to the Japanese Government lay in the admission of foreigners to Yeddo, and, therefore, the measure most necessary to them was continued exclusion from the capital. Her Majesty's Government, in view of the propinquity of Kanagawa, which might be considered as giving all but direct access to the capital, and the circumstances of the Government, were willing to concede this point, and to accept in lieu of it the opening of the port of the Island of Tsusima as an equivalent. This had already been offered as an equivalent for Hiogo and Osaca. That was an impossible arrangement, for these were essential to trade, but it might be accepted for Yeddo, and pending the interval during which this was to remain closed.

Answered.—Yeddo was only a place of residence: would Tsusima be a port as well as a place of residence?

Envoy replied, It must be a port, of course.

Answered.—Would it be required to open Tsusima before 1868? It belonged to a Daimio, and confusion might result.

The Envoy finding that evening was drawing on, now stated that he must shortly place before them the basis of negotiation he had to propose. They would be able to consult on the terms, and he would be glad to meet them on a future day to settle the subject finally. What he proposed or could accept was—the port of Tsusima in lieu of Yeddo, and Tsauliang or Corea in lieu of Ne-egata. Hiogo and Osaca must be opened in terms of the Treaty.

Answered.—The Minister begs to remind the Envoy that their motive for proposing these delays was the state of public feeling; they wished for time to prepare the way; and the arrangement now proposed would in no sense tend to allay discontent continually increasing, as these repeated attacks proved, or lessen the excitement already existing.

The Envoy here pointed out that although the concessions demanded had not all been agreed to, yet the half, and much the most necessary and important half to the Japanese, had been yielded. The immediate opening of Yeddo and Ne-egata would be given up. When he remembered the difficulty that would be created by the transfer *en masse* of the Yokohama community to Yeddo, which would even at once ensue on the capital being declared open, he was satisfied that the most important concession of all was that of a residence at Yeddo. Nothing could prevent Yeddo becoming in effect a port as well as a place of residence, if the terms of the Treaty were insisted on by foreign Powers. If, however, the Ministers could not agree to these terms, they must instruct their Ministers to settle the difficulties with the Courts of Europe.

The Envoy had full powers to conclude a Convention with them on these points. He would even undertake as a last offer to secure an amicable arrangement before his departure, to agree to defer the opening of Osaca for one year. But this was the utmost limit of concession. Hiogo must be opened at the appointed time. These two places could not be abandoned, or their opening be longer deferred, without injury to our trade, which he was expressly instructed to preserve and protect. These arrangements might now be concluded; but if left incomplete at his departure, they could only be taken up in Europe.

It was finally agreed that a future meeting should be held to discuss the subject.

Inclosure 2 in No. 15.

Minutes of a Second Interview with Koodji Yamato no Kami, President of the Gorogio and First Minister of Foreign Affairs, on the 16th March, 1862.

(Besides the First Minister, there were two Members of the Second Council of State present, Sakai Ookionoske and Hori Etchisen no Kami.

THE Envoy stated that in reference to the attack on the Legation, the satisfaction he had been instructed to require would be complete when the pecuniary indemnity for Messrs. Oliphant and Morrison was finally settled.

The Minister Koodji proposed that they should first proceed with the discussion as to the deferred opening of the ports; but on being told that the Envoy would enter into no negotiations until the prior question of satisfaction had been fully settled, some discussion took place as to the amount of indemnity. The Minister had consulted with his colleague Ando Tsusima no Kami. They were both prepared to admit the justice of a claim to indemnity, since, in spite of all the precautions that were taken, an attack had been successfully made; but as regarded Mr. Morrison, his wound was very slight, and the whole sum named appeared too large. Moreover, they had to consider it was not the British Minister alone who had claims of this nature to bring forward; they therefore proposed that it should be reduced to 5,000 dollars.

The Envoy replied that it was because he was aware he did not stand alone in regard to such claims, and Her Majesty's Government did not desire to press with undue severity upon the Japanese Government—which, in surrounding the Legation with guards, had taken, as they no doubt conceived, adequate steps for its protection—that so moderate a sum had been fixed. It was very true Mr. Morrison's wound was extremely slight, but Mr. Oliphant's was so severe as to involve a loss of the use of one hand; and if this had resulted in the military service of his own country—the only service in which he could have been exposed to wounds—keeping in view his rank and the severity of the injury, he would doubtless have received a pension of some 200*l.* per annum. This capitalised would represent a sum much more nearly approaching 20,000 dollars than 10,000 dollars, the sum fixed.

The demand was finally acceded to; and it was agreed that the equivalent of 30,000 itzeboes should be paid before the Envoy's departure at the end of the week.

In reference to the Legation site and its being placed in a thoroughly defensible position, the Envoy remarked it must be clearly understood that what he had required was to be completed entirely at the expense of the Japanese Government, and to the satisfaction of the British Minister.

Some difficulty was raised as to an inner line of stockades, which the Japanese did not look upon as essential to the defences, otherwise sufficiently provided for by the outer fosse circumvallating the whole site of the five Legations. It was finally agreed, however, that the Minister, or the Chargé d'Affaires in his absence, should decide what was actually required; and the Japanese Government would provide the funds at their own charge. The Envoy in connection with this subject took occasion to remark that he was not clear whether Her Majesty's Government did not contemplate the concession of a site free of all charge for ground-rent, and the further maintenance of a British guard at the expense of the Japanese Government. He was willing, however, to take the responsibility of not pressing either of these points.

These preliminary matters connected with the satisfaction demanded having been satisfactorily disposed of, the Envoy proceeded with the negotiations as to the deferred opening of the ports, observing that he trusted the remarks he had offered in his official communication of the previous day (copy hereto annexed), and which Moriyama had translated into Japanese, had been read and understood.

The Minister replied that it had been carefully read and understood. As regarded the state of public feeling in Japan, the Envoy knew all that the Ministers had so often referred to and explained; but the Envoy was not, perhaps, so well informed as to the change that was operating in favour of trade and foreign relations. At first the whole nation seemed opposed to both; now seven-tenths saw advantages and had no hostility. It might fairly be hoped, therefore, that within a very few years all present difficulties would cease. The Ministers themselves were aware that trade would be the making of Japan, but many still were opposed to all extension of commerce. In a few years the existing minority now opposed would be lessened, and then the remaining cities and ports might be opened without danger. Whatever the advantages of trade, until the conviction that it was beneficial more generally prevailed, it was advisable to allow some delay to give time for gradual changes, and the development of more favourable opinions.

The Envoy observed there were nine months yet to run before the opening of the ports, and what he could do would be to move his Government on his return to London to send out fresh instructions and authority for large concessions about the date of opening the ports, upon the understanding always that some equivalent or corresponding advantage should be gained to compensate the loss, either in the public repeal of all hostile law and the sanction of Treaties, the improvement of our position at the open ports, or other ports in lieu. It would be for the Japanese Government to make up its mind in the interval to meet such proposals, or abide by the strict interpretation of the Treaty, as they might deem best.

The Minister replied that they would write to their Envoys in Europe, stating the whole

question, and that they pressed for five or six years, because in that time they hoped to effect all the necessary changes, if in the interval the frank and unconditional announcement of the deferred opening of all the other ports for a fixed term enabled them to appease the popular feeling of excitement and uncertainty as to the immediate future. Without this they saw no hope of success.

The Minister prayed the Envoy to make known to his Government the real difficulties of the country, and asked how they could send the instructions to their Envoys.

The Envoy replied that careful notes had been taken of all that had passed at both interviews, and these should be transmitted to his Government. As regarded the despatches of the Japanese Ministers, the Envoy offers to take charge of them, and even of Moriyama, the interpreter, if they deemed his assistance essential from his familiarity with the subjects to be discussed, and the fuller manner in which he might convey the instructions and wishes of the Ministers than would be possible by a written despatch.

The Minister replied it was indeed worthy of consideration, and they were much obliged.

It was then arranged that the Tycoon would give the Envoy an audience to deliver the Queen's letter, and take leave on the morning of the 20th, and the interview closed with renewed expressions of goodwill on the part of the Minister to the Envoy personally and the confidence they all felt in his knowledge of the peculiar situation of the Ministers and the country, no less than in his disposition to do justice to both.

Inclosure 3 in No. 15.

Mr. Alcock to the Japanese Ministers for Foreign Affairs.

(Extract.)

BEFORE leaving my post as British Minister at this Court, and as a last proof of goodwill and interest in the peace and prosperity of this country, I wish to present some views as to the relation in which Japan stands to other countries.

I believe it to be of the greatest importance to its rulers that these views should be plainly stated for the information of the Gorogio, and rightly understood. I venture, therefore, to beg they may be taken into serious consideration, if possible, before our next interview.

I have heard much from your Excellencies during the past three years of my residence in Yeddo of public opinion in Japan, which has always been represented as hostile to existing relations with foreign Powers. Among the privileged classes generally, I have, indeed, had occasion to observe much ill feeling, but I have rarely seen any evidence of this among the population generally.

If the people in any degree partake of the feeling of hostility, it is unquestionably less general and less intense. When a foreigner has been subject to violence or insult in open day, it has almost invariably been at the hands of those who are entitled to wear two swords, and of the officials in the employment of the Government. These have more constantly than any other, perhaps, shown ill will, and a disposition to make the position of foreigners intolerable by insolence, chicanery, and extortion. Nor have the remonstrances made on this subject, though frequent and earnest, ever been followed by any material improvement.

These are facts of such deep significance that it is impossible they should be without influence on foreign Powers, or fail to inspire a feeling of distrust in the correctness of any line of argument founded on an alleged hostility among the people; some distrust even in the Government which, during three years, has permitted a state of things so contrary to the spirit of Treaties of Amity. They must feel that had the Government of the Tycoon been really and earnestly desirous to give honest execution to those Treaties, rather than to conciliate factious enmities, it would have found means of securing not only the foreign Representatives resident in the capital, but every foreigner in the country, from injurious treatment at the hands of its own officials at all events, if they could do nothing more. To fail in this, whether from want of effort or of power, unavoidably tends to destroy all confidence.

It is under these circumstances that the Tycoon addresses the Treaty Powers, requesting them to cede important rights guaranteed by solemn contracts quite recently entered into. Can your Excellencies wonder, if with this experience of the past, and without the slightest guarantee for the future, there be little disposition to make concessions?

Let us examine a little more closely the arguments brought forward to demonstrate the expediency and necessity for such concessions, in the joint interest of Japan and

other countries in relation with it. Increased prices from the sudden development of foreign trade; popular discontent, and consequent danger to those relations, as well as the stability or security of the Tycoon's Government from civil commotion: these are the grounds for urging the deferred execution of the Treaty in regard to the opening of the two ports or cities.

That some increase of prices since the opening of the ports has taken place, and that this is popularly attributed to foreign trade, rightly or wrongly, need not be disputed; and that discontent more or less general, and enmity to all identified with the trade, no less than to the Government bound to protect it by Treaty, may equally be assumed, without proving the policy of adopting the course advocated. What if the increase in prices, of rice more especially, be due to other causes, and the discontent is purely of factious origin, traceable to those who seek from personal motives to embarrass the Tycoon's Government, or overthrow it; what ground of hope is there that a concession to the clamours and plottings of such a faction, by nullifying in great measure the Treaties, will lead to peace and security? The same causes alleged by these as having produced dearness and discontent will still exist in the three ports and in the continuance of foreign trade. The Treaty Powers will indeed have lost much, but neither they nor the Tycoon will have gained anything. On the contrary, the position of his Government and of foreigners alike must be rendered more insecure by the encouragement such concession will give to those whose avowed purpose is to get rid of the Treaties altogether, and return to the system of isolation. The danger it is desired to lessen or avert will be increased by the very means taken with that object.

No doubt there are many Japanese who believe the new relations with foreign Powers are fraught with danger; who see in them only sources of trouble,—perhaps a renewal of the civil wars and convulsions of 300 years ago, and regret honestly that the Tycoon ever departed from the policy of Taico Sama and Gongen Sama.

And some attendant dangers and troubles there may be, however wisely affairs may be conducted. But the one question for the Government of the Tycoon and for foreign Powers equally to decide is, whether any retrograde course towards exclusion or restriction would diminish or avert such dangers. Before attempting to go backward to a state of nearly total isolation, it should first be ascertained whether in the existing age this would be possible. Three centuries ago, before the chief maritime Powers of the West had developed the vast resources they now command, and before the application of steam to navigation, it was possible for a remote country like Japan to isolate itself without much injury to other nations. But it lies in the fair-way of the commerce of the world, and between two great continents with which every commercial nation in the world traffics largely. These all have a direct interest in putting an end to such isolation. The time had come when Japan could have no choice left but friendly intercourse or subjugation, sooner or later, by one or more of the great Powers of the West. In Treaties of Amity and Commerce lay not only her safety from aggression, but it was hoped, and is still believed, her own increased prosperity and greatness as the most advanced and enterprising of the nations of the East. The rulers of Japan then took the wiser course, and since intercourse was unavoidable, and a departure from the ancient policy of Gongen Sama equally inevitable, they decided that the intercourse should be one of amity.

But if it was impossible some years ago to prevent intercourse being established, it is ten times more impracticable and impossible, now that all the great Western Powers have acquired Treaty rights and vested interests, to revert to a system of exclusion. Assuming that something of danger threatens the Tycoon's Government in any honest efforts to carry out the stipulations of Treaties, what but trouble and civil war would be the consequences of any foreign Power insisting upon its rights—blockading the ports, stopping all trade, and even the supplies of rice to Yeddo, the seat of Government? Yet there are several Treaty Powers that could with ease effect this by their ships of war, if driven to the necessity for the maintenance of their rights.

Your Excellencies will see it is no longer a question whether it might or might not have been better to maintain the long-established system of isolation; but as nothing can ever bring back this state, and the attempt to do so could not fail, sooner or later, to bring upon the country all the worst calamities of a hopeless struggle with States which it is no disparagement to Japan to say are much too powerful to be effectually resisted, the real question for Japanese rulers is, how such dangers or troubles as Treaty relations may unavoidably bring in their train from the first effects of a sudden trade, or internal divisions, may best be met, and reduced to the smallest dimensions.

If your Excellencies see justice and reason in these arguments, it may be possible for me before my departure to concert with you such arrangements as may tend to diminish your difficulties in dealing with ports and cities yet to be opened.

So far as it may be possible without the surrender of essential principles and rights which would make the Treaty void in effect, or entering on a policy of restrictions and curtailments they believe to be fatal to any progressive improvement, however gradual, it is the desire of Her Majesty's Government to co-operate in a friendly and cordial spirit. As regards myself personally, I trust I have no need to assure your Excellencies that it is my earnest wish to contribute by every means in my power to the maintenance and improvement of those relations between the two countries from which I yet hope great and mutual benefit will ultimately result.

No. 16.

Mr. Alcock to Earl Russell.—(*Received June* 11.)

My Lord, *Yeddo, March* 20, 1862.

IN my despatch of the 17th instant, and its inclosures, your Lordship will have seen it had been arranged that I should present the Queen's letter to the Tycoon in an audience, and that it was distinctly stipulated and understood that the ceremonial and all other arrangements should be precisely the same as on a former occasion.

On the 18th instant two Governors of Foreign Affairs were sent to me on the plea that the presentation of Mr. Winchester as Chargé d'Affaires would necessarily entail some modification.

They then produced a programme, by which I perceived the distance between the Tycoon and the spot from whence I must address him was nearly doubled; and instead of being within six mats (or eighteen feet), I should be ten mats (or thirty feet), while Mr. Winchester was to be placed some two mats further back. This increased distance was attributed to the greater size of the new palace, although, as I instructed Mr. Eusden to point out, this could not affect the number of mats interposing, and that a whole room would now be interposed, while on the former occasion I stood on the threshold within six feet of that in which the Tycoon was seated, at a distance of four mats (twelve feet) at the furthest.

Still, I was reluctant at the last moment to stand upon a point of mere etiquette and create an insurmountable obstacle to an immediate audience prior to my departure, since the delivery of Her Majesty's letter and the presentation of the officer taking charge in my absence would fitly close my mission. I assented, therefore, under a protest of what appeared to me an unsatisfactory deviation from the formalities previously so elaborately arranged after a six months' discussion with the American Minister, Mr. Harris, and accepted by me.

The following day they again returned to observe they had made a mistake, and Mr. Winchester must take place four mats (or twelve feet behind me); intimating also some further intention of entering into a discussion about the attendance of the mounted escort on the way.

It seemed to me perfectly clear that having found my desire was strong not to raise difficulties on any minor points the moment before my departure, fixed for the 22nd, from Yokohama, it had been resolved to profit by the circumstance to gain some further advantage derogatory to the position of the British Mission; and I determined at once to meet this disingenuous proceeding by a peremptory refusal to accept an audience under the conditions it was sought to impose.

I shall accordingly leave without delivering the letter from Her Majesty, and have forwarded the inclosed official notification to the Ministers of Foreign Affairs, acquainting them that I should leave it in Mr. Winchester's hands to deliver, when with more leisure the ceremonial could be satisfactorily arranged, and I trust the course I have followed will meet with your Lordship's approval.

I have, &c.

(Signed) RUTHERFORD ALCOCK.

Inclosure in No. 16.

Mr. Alcock to the Japanese Ministers of Foreign Affairs.

Yeddo, March 19, 1862.

I FIND that in the discussion of the ceremonies to be observed in my audience with the Tycoon, a difficulty has occurred which the shortness of my stay in this country renders it impossible to settle satisfactorily.

I regret that this circumstance will prevent my delivering in person the letter of Her Majesty the Queen to the Tycoon, but it has been committed to the charge of Mr. Winchester, with whom the details of its reception can be satisfactorily arranged.

(Signed) RUTHERFORD ALCOCK.

No. 17.

The Japanese Envoys to Earl Russell.—(Received June 12.)

HIERMEDE hebben wy het volgende aan uwe Excellentie mede te deelen.

Sedert de aankomst van onze medegenoten alhier, zyn wy byzonder ontvangen; en vooral onze ondervinding en kennis zyn uitgebreid door het bezigtigen van vele voornaamste plaatsen hier en daar, vele fabrieken en machineryen, enz.; waarvoor wy aan uwe Excellentie onzen opregten dank betuigen.

Benevens bedanken wy voor de welwillende beschikking van Makdonald, Esq., welke hy, sedert het vertrek van de haven van Yeddo, meer genomen heeft.

Hoezeer het naderhand door de Lieden onzer Ryksraad voor Buitenlandsche zaken aan uwe Excellentie zullen bedankt worden, deelen wy by dezen het bovenstaande aan U mede, terwyl wy heden deze stad verlaten.

Met eerbied voorgesteld..

Den 15den der 5de maand van het 2nd jaar van Bun-kew.

(W. g.) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YVAMI NO KAMI.
KIOGOK NOTO NO KAMI.

(Translation.)

WE have to communicate to your Excellency herewith as follows:—

Since the arrival of our party here, we have been received with distinction; above all, our experience and our knowledge have been enlarged by the inspection of many most excellent establishments in various parts, many manufactories, much machinery, &c., for which we return our cordial thanks to your Excellency.

We are also grateful for the kind assistance of — Macdonald, Esq., which he has afforded us ever since we departed from the port of Yeddo.

Whatever thanks may be sent hereafter to your Excellency from our Council for Foreign Affairs, we communicate the above, as we are leaving this city to-day.

With deep respect.

The 15th day, 5th month, 2nd year of Bun-kew.

(Signed) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YVAMI NO KAMI.
KIOGOK NOTO NO KAMI.

No. 18.

Earl Russell to the Japanese Envoys.

Foreign Office, June 13, 1862.

THE Undersigned, &c., has had the honour to receive the note which Takénoouchy Simodzuke no Kami, Machudaira Yvami no Kami, and Kiogok Noto no Kami, Envoys of the Tycoon of Japan, addressed to him on their departure for England.

The Undersigned is happy to learn that the visit of the Envoys has been agreeable to them, and that the services of Mr. Macdonald have proved acceptable. The Undersigned trusts that this visit will tend to confirm and promote the friendly intercourse between Great Britain and Japan, and that the report of their reception which the Envoys will make upon their return to their native country will abundantly show to the Tycoon and his Government the favourable disposition entertained towards them by the Government and people of England.

The Undersigned, &c. (Signed) RUSSELL.

No. 19.

Earl Cowley to Earl Russell.—(Received June 18.)

(Extract.) *Paris, June 14, 1862.*

I HAVE communicated to M. Thouvenel a copy of the memorandum signed between your Lordship and the Japanese Envoys, as instructed by your Lordship's despatch of the 7th instant.

M. Thouvenel said that he approved the contents of the memorandum, and only regretted that it had not been communicated to him in time to have enabled him to instruct M. de Flahault to affix his signature to it.

No. 20.

Lord Napier to Earl Russell.—(Received June 23.)

(Extract.) *St. Petersburgh, June 17, 1862.*

IN conformity with your Lordship's orders, I, this forenoon, imparted to Prince Gortchakoff your Lordship's despatch of June 7, inclosing a printed copy of the arrangement concluded by Her Majesty's Government with the Japanese Commissioners for the temporary suspension of certain provisions in the Treaty of 1858.

Prince Gortchakoff read your Lordship's despatch, and expressed his decided concurrence in the course taken by Her Majesty's Government in this matter.

With reference to the replies returned by your Lordship to the three overtures of the Envoys, having reference respectively to the exclusion of ships of war from the Japanese ports, the exportation of provisions, and the currency, his Excellency stated that he adhered to the resolutions of Her Majesty's Government on the two first points. In regard to the third he requests that Her Majesty's Government will have the goodness to communicate to him any instructions which may hereafter be given to Her Majesty's Representative in Japan for the settlement of controversies respecting the currency.

Prince Gortchakoff having requested me to permit him to take copies of your Lordship's despatch and the printed memorandum, I stated to him that I was not specifically instructed to furnish him with copies of these documents; but that in the interest of a perfect understanding of the subject, I consented to do so.

No. 21.

Earl Russell to the Japanese Envoys.

Foreign Office, June 24, 1862.

THE Undersigned, &c., had the honour to receive the note which the Envoys of the Tycoon addressed to him on the 10th instant, with reference to the conditions under which the sale to foreigners in Japan of silk-cocoons, silkworms' eggs, and arms, should be allowed. The Envoys seem to be under the impression that the Undersigned had agreed that those articles should only be sold by persons authorised by the Japanese Government.

But such was not the case. The Undersigned never intended that a monopoly should be created in favour of any particular persons.

The arrangement to which the Undersigned verbally assented was, that no obstacle should henceforth be made to the export of those articles from Japan; but that a foreign merchant desiring to purchase and ship those articles should apply through his Consul for permission to do so, and should specify the quantity of each article that he wished to purchase and ship, whereupon the Japanese authorities should grant a licence to that effect.

If the Japanese Envoys have already communicated to the Government of the Tycoon their own impression of what passed in conversation on this matter, the Undersigned would suggest that they should forward to their Government a copy of this note, as he also will forward a copy of it to Her Majesty's Chargé d'Affaires.

(Signed) RUSSELL.

No. 22.

Sir A. Buchanan to Earl Russell.—(Received July 1.)

(Extract.) *The Hague, June 25, 1862.*

I HAD the honour to receive on the 22nd instant your Lordship's despatch of the 7th, on the subject of your conference with the Japanese Envoys; and at an interview which I had yesterday with M. Van der Maesen, I communicated to his Excellency the Memorandum signed by your Lordship and the Envoys on the 6th instant, and I made him at the same time acquainted with the contents of your Lordship's despatch.

His Excellency said that the Envoys had, in addition to the proposals referred to by your Lordship, made one to him for preventing the export of arms from Japan, and another for preventing the prohibition to export copper being evaded; and he mentioned that the Netherland Government wished some modification to be introduced into the Japanese Tariff with respect to soap, as well as the articles referred to in the Memorandum.

His Excellency said that he attached great importance to the Representatives of foreign Powers in Japan holding identical language to the Government.

At the conclusion of our interview he requested me to communicate in writing the substance of your Lordship's answers to the three last proposals of the Envoys, and I have therefore given him a Memorandum on the subject of which the inclosure is a copy.

Inclosure in No. 22.

Substance of the Answer given by Earl Russell to the Proposals made by the Japanese Envoys subsequently to the signature of the Memorandum of June 6, 1862.

1. That Her Majesty's Government could not consent to any limitation being placed on the visits of ships of war to the ports of Japan, although such ships would not go to those ports without sufficient cause.

2. That Her Majesty's Government consented to temporary restrictions being placed, with the concurrence of Her Majesty's Representative, on the export of articles of food in the event of a deficient harvest, such restrictions to cease at the expiration of the time agreed upon by Her Majesty's Minister.

3. That Lord Russell could not pronounce decidedly on so large and intricate a question as that of the currency, but that after consultation with other Departments he would give instructions to the British Minister at Yeddo, in communication with the Foreign Minister of the Tycoon, to do whatever might be shown to be just and fair.

No. 23.

The Japanese Envoys to Earl Russell.—(Received July 17.)

WY hebben ontvangen uwen brief gedateerd den 24sten July.*

Hoezeer gy betreffende de cocons, cocons-eyeren, en wapentuigen medegedeeld hebt, zou het naar de tegenwoordige omstandigheden onzes Ryks, wanneer zulke artikelen door vreemde kooplieden uitgevoerd of ingescheept worden, tegen de nationale gevoelens streven. En zou de uitkomst van de onderhandeling over het uitstel der openingen van de havens en steden, vruchteloos worden.

De staat der zaken is zoo als wy U reeds by onze zamenkomst stiptelyk medegedeeld hebben; en gy hebt by die gelegenheid de toestemming gegeven. Zoo hebben wy zulks reeds aan onze Regering geschreven.

Dan, volgens uwe mededeeling, verschilt het van hetgeen wy reeds overeengekomen hebben; hetgeen onvoegzaam gevonden wordt.

Zoo wenschen wy dat het in allen gevalle beschikt zal worden zoo als uwe Excellentie vroeger het geantwoord heeft.

In antwoord op uwen brief stellen wy het voor.

Met eerbied voorgesteld.

Den 17den der 6de maand der 2de jaar van Bun-kew.

(W. g.) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YVAMI NO KAMI.
KIOGOK NOTO NO KAMI.

* Should be "June."

(Translation.)

WE have received your letter dated the 24th July.*

Whatever you may say relative to cocoons, silkworms' eggs, and arms, it would, under the present circumstances of our country, be much against the national feeling that those articles should be exported or shipped by foreign merchants; and the issue of the negotiations for the postponement of the opening of the ports and towns would be fruitless.

The state of things is exactly what we communicated at our interview, and on that occasion you gave your assent. We have already written to our Government to that effect.

Now, according to your communication, there is a variation from what we have already agreed to; which is inconvenient.

We wish, therefore, that it should, at all events, be settled as your Excellency replied before.

We represent this in answer to your letter.

With respect.

The 17th day, 6th month, 2nd year of Bun-kew.

(Signed) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YVAMI NO KAMI.
KIOGOK NOTO NO KAMI.

No. 24.

Earl Russell to the Japanese Envoys.

Foreign Office, July 23, 1862.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note addressed to him by the Envoys of the Tycoon, in reply to the note of the 24th of June, in which the Undersigned explained the regulations under which Her Majesty's Government were willing that the export of silk-cocoons, silkworms' eggs, and arms from Japan should be conducted.

The Undersigned can only refer the Envoys to this note, and add that he has no intention to depart from what he there stated.

The Undersigned, &c. (Signed) RUSSELL.

No. 25.

The Japanese Envoys to Earl Russell.—(*Received August* 12.)

WY hebben ontvangen een brief van uwe Excellentie gedateerd den 23 July, in antwoord nopens den uitvoer van cocons, cocons-eyeren, en wapentuigen.

De beslissing der onderhandeling omtrent de gemelde artikelen op onze zamenkomst is reeds door ons aan onze Regering medegedeeld geworden, zoo als wy onlangs in onze antwoord op uwen brief gezegd hebben. Dan, als het nu veranderd wield, zoo zou al hetgeen wy beraadslaagd en beslist hebben vruchteloos geraken; en het is onvoegzaam.

Zoo verzoeken wy dat uwe Excellentie hetgeen wy tot nu toe zoo wel op de zamenkomst als in de brieven medegedeeld hebben rypelyk in overweging nemende over een te stemmen.

Tot het antwoord op uwen brief stellen wy het weder voor.

Met eerbied.

Den 9de dag der 7de maand van het 2de jaar van Bun-kew.

(W. g.) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YVAMI NO KAMI.
KIOGOK NOTO NO KAMI.

(Translation.)

WE have received a letter from your Excellency, dated 23rd July, in answer, relative to the exportation of cocoons, silkworms' eggs, and arms.

The decision come to at our meeting with regard to the negotiation concerning the said Articles has already been communicated to our Government, as we recently stated in

* Should be "June."

answer to your letter. Therefore, if a change should now be made, all that we have considered and decided would be fruitless, which would be inconvenient.

We therefore beg that your Excellency, taking into mature consideration what we have hitherto communicated both at our interview and by letter, will agree thereto.

As the answer to your letter, we respectfully bring these matters again under your notice.

9th day of the 7th month of the 2nd year of Bun-kew.

(Signed) TAKENOOUCHY SIMODZUKE NO KAMI.
MACHUDAIRA YVAMI NO KAMI.
KIOGOK NOTO NO KAMI.

No. 26.

Lord A. Loftus to Earl Russell.—(*Received August* 18.)

My Lord, *Berlin, August* 16, 1862.

I INQUIRED yesterday of Count Bernstorff to what result the Japanese Mission at Berlin had led. His Excellency informed me that they had made certain proposals with reference to a modification of the Treaty signed by Count Eulenburg, and that a portion of these proposals had been agreed to by the Prussian Government.

Without entering into details, his Excellency said that the nature of the concessions was very much the same as had been requested of Her Majesty's Government, and that what the Prussian Government had agreed to tallied pretty nearly with the concessions made by Her Majesty's Government.

His Excellency informed me that Count Brandenburg would be charged to communicate to your Lordship the agreement which had been come to between the Prussian Government and the Japanese Envoys.

The Japanese Mission have left Berlin for St. Petersburgh.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

No. 27.

Earl Russell to the Japanese Envoys.

Foreign Office, August 21, 1862.

THE Undersigned, &c., begs leave to acknowledge the receipt of the letter which the Japanese Envoys did him the honour to address to him on the 12th instant, and in which they urge a reconsideration of the decision come to with regard to the exportation of cocoons, silkworms' eggs, and arms from Japan.

The Undersigned has in reply to express his regret that the request of the Japanese Envoys cannot be complied with, but the Undersigned will give instructions to Her Majesty's Legation in Japan with the view of preventing abuses in this traffic.

The Undersigned, &c. (Signed) RUSSELL.

No. 28.

Earl Russell to Mr. Winchester.

Sir, *Foreign Office, August* 26, 1862.

WITH reference to my despatch of the 23rd of July, I transmit to you herewith copies of a further correspondence with the Japanese Envoys respecting the export of cocoons, silkworms' eggs, and arms from Japan;* and in accordance with the assurance contained in my letter of the 21st instant, I have to instruct you to take care that the arrangement with regard to this traffic stated in my letter to the Japanese Envoys of the 24th of June last does not lead to abuse.

I am, &c.
(Signed) RUSSELL.

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* Nos. 25 and 27.

No. 29.

Lieutenant-Colonel Neale to Earl Russell.—(*Received September* 12.)

My Lord, *Yeddo, July* 3, 1862.

IT has become my painful duty to lay before your Lordship the details of a barbarous attack made upon this Legation by Japanese assassins shortly after midnight on the 26th ultimo, resulting in the murder of two of the guards landed for its protection from Her Majesty's ship "Renard."

This event, I should commence by stating to your Lordship, has occurred, according to the Japanese calendar, on the anniversary of the outrage committed last year upon this Legation.

The circumstances attending the present assault, your Lordship will observe, are of a still more aggravated nature in several important particulars.

I arrived here from Yokohama with the other members composing the Legation, on the 12th ultimo, accompanied by a guard of thirty men of Her Majesty's ship "Renard," and took up my permanent residence in the temple which has hitherto formed the official residence of Her Majesty's Envoy, having first duly informed the Japanese Ministers for Foreign Affairs of my intention to reside in Yeddo.

I found on my arrival that the usual precautions had been taken by the authorities, and which consisted in placing numerous guards, entirely surrounding this residence, in detached wooden huts; the number of these guards, according to a Japanese Return which I obtained, amounting to no less than 535 men, partly of the Tycoon's body-guard, but chiefly composed of the retainers of a Daimio named Matsudaïra Temba no Kami, who had been chosen and charged by the Government with the protection of this Legation.

Small parties of these men came down at short intervals during the night to the very doors of this residence, and remained for a short time with our own sentries, leaving behind them one man at each post to aid in challenging persons approaching and demanding the parole, which was in the Japanese language, and issued at sunset each evening.

These dispositions were uninterruptedly observed up to the evening of the 26th ultimo. At midnight on that day the several British sentinels were at their posts, and challenging with vigilance the Japanese guards who, in parties of two or three, descended from the heights overhanging this building at the back, for the purpose of relieving their men.

At half-an-hour after midnight the British sentry posted at the door adjoining my bed-room, and from whom I was separated by light-papered pannelings, challenged some approaching object in my hearing (for I was awake, though in bed), and received in answer the right parole; but the sentry sharply challenged again in an anxious and eager manner as if some circumstance excited his great suspicion. He then hastily stepped down from the platform on which he stood, and went quickly three or four steps towards the person approaching.

This was succeeded by a loud exclamation from the sentry, followed by a rapid succession of blows or cuts, at each one of which the unfortunate man cried out with anguish. What I have here recited was accomplished in less than two minutes. No further sound proceeded from this spot. In the same space of time I found my way across my drawing-room and dining-room to the guard-room, which the wounded sentry had reached the instant before me. I found him lying on the floor, dying from the desperate lance and sword-cuts he had received. The whole guard, now roused, and under the command of Lieutenant Edwardes, of Her Majesty's ship "Renard," followed me to the dining-room, being immediately joined by the ten men of the escort, under the command of Lieutenant Applin. The other members of the Legation who reside within this building assembled in the same room, and we remained thus on the defensive, not knowing the numbers of our assailants.

In a few minutes it was reported that Corporal Crimp, R.M., who was on his rounds to visit the sentries at the moment of the attack, was missing. Lieutenant Applin, with some of the men of his escort, went in search of him outside the building, and returned without having found him; further search was made, and he was found at one of the doors adjoining my bedroom, which was always left partially open in order that the sentry might call me in case of need. The corporal was dead, and lying in a pool of blood across the threshold of the door, which he had torn in trying to open. His body was conveyed into the room in which we were assembled, and was found to have received no less than sixteen desperate sword and lance wounds. The wounded sentry was also on the floor of the room, dying fast from nine wounds. This man, by name Charles Sweet, died the following morning; but during the night I requested Drs. Jenkins and Willis, attached to this

Legation, who attended him, to question the unfortunate man as far as practicable; and the substance of what they learnt from him was, that the assassin had approached him creeping on hands and feet, and that the Japanese guard with him had fled the moment he (Sweet) was attacked. This Japanese has been seen by me, and is known to the authorities.

About twenty minutes after the members of the Legation and the guard had been assembled in my dining room, detached parties of ten, fifteen, or twenty Japanese guards came into the house to offer their assistance. I regret to say that some of these men were intoxicated; and one, whom I am told is an officer, I caused to be expelled from the room.

We remained under arms till daylight. No person had been arrested by the Japanese guards; the assassin or assassins had passed through their lines, and escaped as easily as they had entered.

I now proceed to lay before your Lordship the correspondence which has ensued between the foreign Representatives and myself, and with the Japanese Government, consequent upon this tragic event.

At daylight on the morning of the 27th I addressed a despatch (copy inclosed) to Captain Bingham, who, with my full knowledge and concurrence, had proceeded in the "Renard," the day before, to Yokohama, leaving the guard of thirty men at this Legation under Lieutenant Edwardes, of that ship. The "Renard" anchored, necessarily, at a distance of four miles from the shore, and, having landed all the men she could spare under ordinary circumstances, I did not consider it necessary to request Captain Bingham to remain, especially as he was desirous of superintending the construction, at Yokohama, of a naval coal-depôt, and as he purposed returning to this anchorage in a few days.

Upon the receipt of my despatch, Captain Bingham returned immediately to Yeddo with Her Majesty's ship "Renard," and landed every available officer and man, leaving the non-executive officers and a very few hands to guard the ship.

The detachment on shore was thus augmented by twenty-one men, making fifty-one in all, exclusive of the ten men of the escort.

In the meanwhile I wrote to Captain Vyse, Her Majesty's Consul at Yokohama, informing him of the particulars of the event which had occurred, in order to avert the over-exaggerated statements which would probably appear in the local newspapers, calculated to excite unnecessary alarms in the minds of Her Majesty's subjects residing at that port.

I then addressed my colleagues the Ministers of France, the United States, and Holland, informing them of the event which had occurred here during the night. And I have the honour to inclose copies of the replies addressed to me by M. de Bellecourt, Mr. Pruyn, and M. de Wit, who have also kindly transmitted to me the copies of the letters they had respectively addressed to the Japanese Ministers expressive of their concern and indignation at the outrage which had been enacted upon Her Majesty's Legation. To my colleague of France, M. Duchesne de Bellecourt, I am under personal and peculiar obligations, this gentleman having come to me immediately, and lived with me, at intervals for a day, since the occurrence of the event.

I next addressed the letter, of which the inclosed is a copy, to the Japanese Ministers, and on the fifth day having received no written reply, although several verbal communications had been made to me, I conceived it to be my duty to address a second letter to the authorities, copy of which is also here inclosed.

I have now to lay before your Lordship a copy of the letter which I at last received from the Japanese Ministers, in reply to the preceding communications. Your Lordship will observe the frankness with which the Japanese Ministers, greatly contrary to my expectation, avow that the murderer of our sentries was an adherent of the Prince appointed to watch over our safety; and how they acknowledge with equal frankness the negligence, cowardice, and ill-conduct of their guards. And, finally, your Lordship will not fail to observe the anxiety of the Japanese Government lest it should be supposed withal that any weakness existed on its part while dealing (I presume) with these occurrences.

It will remain to be seen, however, what power or exercise of authority they will exhibit in the present instance in respect to the punishment of the Daimio's guard, and of all other persons who may be found to be implicated.

Your Lordship will also observe that, although the Ministers' letters are full of regrets, no assurances of any description are conveyed to me respecting the future prospects of safety of this Legation from further murderous assaults.

The palisades and other woodworks requisite for our better protection, the substitution of strong doors for paper ones, and all other requirements of this description have, indeed, readily been furnished by the Japanese Governors in communication with me, but

I have not been told what are the measures now adopted in respect to the Japanese guards, and how far dependence can be placed upon them; for the novel and serious feature in the attack upon the Legation on this occasion consists in its having been perpetrated by persons who were in the ranks of our defenders—an alarming fact, which has morally and materially forced us to rely, with any degree of confidence, only on our own resources and means of defence.

I should here inform your Lordship of an incident which intervened during my interviews with the Governors for Foreign Affairs, calculated to inspire in my mind anxiety and distrust. Having been informed by the Governors that the assassin (for they restrict themselves to speaking but of one) had escaped wounded to the Daimio his Chief's house, and then committed suicide, I demanded to view the body; to which they replied that this was difficult, but they desired to know whether his body could not be conveyed to this residence.

I replied that I accepted this suggestion, as my object was to cause the medical officers attached to this Legation to examine the bullet wound he was stated to have received, with the view of satisfying myself that he was indeed the man who had attacked and murdered the corporal. The Governors stated that they would report what I had said upon this subject to the Ministers, and communicate to me the result. On the following morning they returned, and informed me that my request should be complied with, and that the corpse of the assassin would be brought here towards the evening. I asked by whom the body would be conveyed here, and where it would be placed. I received to my surprise the reply that it would be conveyed here by the retainers of the Daimio—in fact, by the comrades of the assassin; and that it would be placed in the temple occupied by the priests, and forming part of this house. I asked how many persons would accompany it. The answer was there might be a good many.

I at once declared that the body should not enter these gates under such circumstances, and broke up the Conference until these dangerous and inadmissible arrangements were instantly counter-ordered. I was, at a later hour in the evening, informed that the body had been brought to the outer gate, but had subsequently been removed.

It now only remains for me to inform your Lordship of the measures at present adopted for the defence of this Legation, and the actual personal position of the members composing it.

The guard of Her Majesty's ship "Renard," quartered within the Legation under the command of Captain Bingham, aided by Lieutenants Warren and Edwardes of that ship, consist of about fifty men. The sentries around this residence are increased, and are in every instance double; they are visited at short intervals by the officers and other rounds throughout the night. The vacant ground at the back of the residence is surrounded and shut in by a strong planked palisade, within which, by the concurrence and even wish of the Governors, all Japanese are excluded; any natives seen at night within the inclosure are to be dealt with as enemies.

The Japanese guards, said to be of the Tycoon's body-guard, are stationed in considerable numbers beyond the palings referred to.

The ground around the Legation is lit up with numerous lanterns and with bonfires, the more readily to distinguish approaching objects. Few, if any, within this residence can obtain repose during the night, for the trampling of guards and challenging and relieving of sentries at our very bedroom doors necessarily render this impossible. The duties of the "Renard's" guard are severe, for the whole are on duty each night.

Such, my Lord, is the present situation of this Legation. I have addressed a detailed recital of the events which have happened to Vice-Admiral Sir James Hope, whom I presume to be at Shanghae, and a copy of which I have the honour to inclose. A reply to this communication I cannot expect, at this season of the year, to receive earlier than in three weeks, when I anticipate that the Admiral will, in all probability, have furnished me with some additional support from the fleet under his command, and thus enable me to maintain my residence in this capital pending the receipt of your Lordship's instructions, consequent upon the events which I have had the honour to record in this despatch.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 29.

Lieutenant-Colonel Neale to Commander Bingham.

Sir, *Yeddo, June* 27, 1862.

IT is with deep regret that I have to acquaint you that a murderous attack was made last night, at midnight, by one or more Japanese assassins, resulting in the barbarous murder of one man belonging to the guard landed from the ship under your command, and the desperate wounding of another, whose life is despaired of.

This tragic scene took place at my bedroom door, and there the corporal and sentry fell.

I am unwilling, without sufficient reason, to request you to return from Yokohama to this anchorage, which you only left yesterday, inasmuch as under such circumstances as those which occurred last night no assistance could possibly be derived from Her Majesty's ship, owing to the distance at which you were under the necessity of anchoring; but I beg most seriously to represent to you, that whatever number of additional men (and especially men of mature age) you can possibly spare consistently with the safety and discipline of Her Majesty's ship at anchor in Yokohama, would be a most valuable addition to the guard you have already left here, and whose duties will necessarily increase after the tragic occurrence which has transpired.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 2 in No. 29.

Lieutenant-Colonel Neale to Consul Vyse.

Sir, *Yeddo, June* 27, 1862.

I BEG to inclose for your information a copy of a circular despatch which I have addressed to my colleagues, the Representatives of France, the United States, and Holland, acquainting them with the murderous assault by Japanese assassins, which took place upon this Legation last night, resulting in the death of one man and the expected death of another, belonging to the guard landed from Her Majesty's ship "Renard."

Whatever may be the personal risks and perils to which Her Majesty's Legation in Yeddo are subjected, I must request you to assure Her Majesty's subjects in Yokohama that no general or political movements, as extended to foreigners at the open ports, to my knowledge or belief exist, by which their own lives or property are menaced or placed in jeopardy; but that should ever such be the case, I will not fail to adopt every measure within my reach for their effectual safeguard and protection.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 3 in No. 29.

Lieutenant-Colonel Neale to MM. de Bellecourt, Pruyn, and De Wit.

Sir, *Yeddo, June* 27, 1862.

IT is with deep regret I have to acquaint you that this Legation has passed through the ordeal of another murderous assault on the part of Japanese assassins.

About midnight, last night, the sentry at my bed-room door was suddenly attacked, and desperately wounded, his life being despaired of. The corporal going his rounds at the same moment was murderously assailed a short distance off, but he managed to reach my door, and there he fell and died.

The British escort and guard from Her Majesty's ship "Renard" being now mustered, remained under arms the rest of the night within my drawing-room.

The number of the assailants cannot precisely be ascertained—possibly there was only one; but, to the unaccountable digrace and utter want of vigilance of the Japanese guards which the Japanese Government has taken credit for having posted in such numbers for our protection, the assassin or assassins passed through their lines and effected the murderous acts I have described.

I shall necessarily address the Tycoon's Minister in terms suited to the gravity and intolerable atrocity of the event which has transpired, and shall do myself the honour of transmitting to you a copy of my remonstrances upon the occasion.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 4 in No. 29.

M. de Bellecourt to Lieutenant-Colonel Neale.

M. le Colonel, *Yédo, le 27 Juin*, 1862.

VOUS devez comprendre l'émotion que j'éprouve en ce moment puisque vous savez, qu'il y a un an, et à la même place, j'assistais, comme aujourd'hui, aux pénibles scènes qui suivirent l'attaque meurtrière dirigée le 6 Juillet, 1861, contre l'inviolabilité de cette résidence diplomatique.

A cette époque, du moins, les officiers de la Légation de la Grande Bretagne, bien que cruellement maltraités durant ce barbare attentat, n'y ont du moins et bien heureusement pas perdue la vie. Aujourd'hui deux des braves défenseurs du pavillon Britannique ont été traitreusement massacrés à la porte même de votre chambre. Les horribles blessures sous lesquelles ils ont succombé attestent le sauvage acharnement de leurs assassins.

Ce nouveau crime inspire plus d'horreur encore en raison des circonstances dans lesquelles il a été commis, puisque tant d'indices semblent prouver que les meurtriers sont sortis des rangs mêmes de ces officiers de Daimios dont on nous entoure ici pour notre protection, malgré les sentiments si peu amicaux d'un certain nombre des Princes du pays pour les nations étrangères et pour leurs Représentants.

Je vous félicite bien vivement, M. le Colonel, d'avoir échappé, ainsi que Messieurs les autres membres de la Légation de Sa Majesté la Reine, à une tentative aussi odieuse et que faisaient du reste presque prévoir les incidents divers et les rumeurs qui se sont produits ici depuis quelque temps.

J'attendrai le résultat de vos démarches, M. le Colonel, et des enquêtes auxquelles vous faites procéder en ce moment sur l'attaque de cette nuit, avant de m'exprimer sur la portée que cet événement peut avoir. Toutefois je croirais manquer aux devoirs qui me sont imposés tant comme l'Agent du Gouvernement si heureusement uni à celui que vous représentez que comme un collègue pénétré des sentiments d'une complète solidarité, si je tardais d'exprimer au Gouvernement de Yédo toute l'indignation que m'inspire ce nouvel événement aussi attentatoire aux lois de l'hospitalité que nuisible à la régularité des rapports des pays civilisés avec cet Empire.

J'ai l'honneur de joindre ici, en réponse à la communication que vous m'avez fait l'honneur de m'adresser ce matin, au sujet de l'attentat de la nuit dernière, une copie de la lettre que j'écris à cet égard au Gouvernement du Taïcoun.

Veuillez, &c.

(Signé) DUCHESNE DE BELLECOURT.

Inclosure 5 in No. 29.

M. de Bellecourt to the Japanese Ministers for Foreign Affairs.

Excellences, *Yédo, le 27 Juin*, 1862.

JE viens d'assister une fois encore à un bien nâvrant spectacle. Je viens de voir les cadavres de deux marins de Sa Majesté Britannique qui ont été massacrés cette nuit par une incroyable trahison sur le seuil de la chambre à coucher du Représentant de la Reine de la Grande Bretagne, au moment où ils veillaient à la sécurité de ce Ministre. Le grand nombre d'officiers du Gouvernement du Taïcoun ou des Daimios protecteurs qu'on a repartis dans les enceintes des Légations n'a pas empêché le renouvellement de l'attentat qui fut commis, il y a un an, à la même place.

Bien plus, le mot d'ordre donné aux sentinelles était connu des assassins, et l'emploi perfide de ce mot d'ordre ayant endormi tout soupçon chez les loyaux Européens, ils ont laissé approcher leurs meurtriers ne voyant en eux que des amis ; mais ils ont payé de leur vie leur confiance et leur bonne foi !

Un pareil crime est réprouvé par toutes les nations civilisées. La trahison ajoute toujours une plus grande horreur à la lâcheté de l'assassimat.

En ma qualité de Représentant de la France, je me joins à mes collègues pour exprimer, avec les sentiments d'une affliction indignée, l'espoir que le Gouvernement du Taïcoun pourra rendre justice et protéger efficacement les Agents Diplomatiques accrédités auprès de lui, comme aussi partout ailleurs tous les étrangers qui résident au Japon.

Le crime qui vient d'être commis à la Légation Britannique n'est pas un de ces accidents qui se produisent quelquefois, par suite de malentendu ou d'absence de réflection de

leurs auteurs ; c'est-à-dire, sous des conditions plus ou moins atténuantes. C'est un crime accusant tous les caractères d'un attentat politique conçu et prémédité avec le sangfroid barbare du fanaticisme.

En ce moment solennel il convient que je rappelle avec précision à vos Excellences les paroles que l'Empereur des Français addressait récemment, par mon intermédiaire, au Taïcoun du Japon :—

" Le respect des personnes et de la propriété des étrangers sont l'honneur des bons Gouvernements. L'extension des relations politiques et commerciales entre les peuples est la preuve d'une véritable civilisation."

Je cite ces paroles de l'Empereur mon Souverain, parcequ'elles rappellent des principes qui doivent être inscrits, à notre époque, dans les lois fondamentales et immuables du Japon, et qu'il importe que le Gouvernement du Taïcoun fasse observer scrupuleusement ces principes et les conséquences qui en découlent en vertu des Traités conclus avec le Monde Occidental.

(Signé) DUCHESNE DE BELLECOURT.

Inclosure 6 in No. 29.

Mr. Pruyn to Lieutenant-Colonel Neale.

Sir, *Yeddo, June* 27, 1862.

I HAVE the honour to acknowledge the receipt of your letter informing me of the attack made on your Legation near midnight last night, which resulted in the death of a corporal of your guard, and the serious wounding of the sentinel at your door, of whose death I have since heard.

I sincerely congratulate you on your providential escape, and that no member of your Legation has suffered bodily injury, as was the case in 1861, and sympathize with you in your sorrow for the loss of your brave defenders.

I view this fresh outrage with horror and indignation, and will unite with you and my colleagues in any representations which it may be thought best to make to the Japanese Government in advance of instructions from your own Government to yourself to bring the assailants to justice.

I have the honour to inclose to you a copy of a letter which I have conceived it my duty to address to the Ministers of Foreign Affairs.

I have, &c.

(Signed) ROBT. H. PRUYN.

Inclosure 7 in No. 29.

Mr. Pruyn to the Japanese Ministers for Foreign Affairs.

Yeddo, June 27, 1862.

IT is but a few days since I had the pleasure of congratulating the Japanese Government and the British Minister, by direction of the President of the United States, on the punishment of two more of the assailants on the British Legation in the month of July 1861.

It is with astonishment and pain that I now learn from Lieutenant-Colonel Neale, Her Britannic Majesty's Chargé d'Affaires, the particulars of another assault at midnight on the British Legation, which has resulted in the death of two British soldiers who lost their lives in his defence at the very door of his bedchamber.

Either by the negligence or connivance of the numerous Japanese guards around the Legation, the assailants passed through their lines to make the assault, and escaped unmolested.

The attack on the British Legation in 1861 had one redeeming feature; several of the Japanese guards on that occasion sealed with their blood their fidelity to their trust. I was sorry to learn from Colonel Neale that, on this occasion, no evidence was given of either fidelity or courage. The only guard known to be vigilant, basely fled.

It must be expected that so great and powerful a country as Great Britain, distinguished for the high regard which, in common with the civilized Powers of the world, it pays to the safety of the lives and property of all who rely upon its protection, and especially to the sanctity thrown around all Diplomatic Representatives accredited to Her Britannic Majesty, will view this transaction with grave displeasure, and demand signal and ample atonement.

The President of the United States, as the sincere friend of the Japanese Government, will be grieved deeply when informed of this new outrage.

In advance of the instructions which he may give me, I deem it proper to say, in presence of the serious case now presented, that whatever else may be done or required, the Japanese Government should act with the utmost possible promptitude and vigour in the arrest and punishment of the guilty participators in this affair, and all their aiders and abettors.

The repetition of these attacks will degrade Japan in the opinion of the whole civilized world: and it is for the Government now to show whether it has the disposition and the power to save itself from the disgrace which will otherwise attach to the country.

Stated with respect and courtesy.

(Signed) ROBT. H. PRUYN.

Inclosure 8 in No. 29.

Mr. Pruyn to Lieutenant-Colonel Neale.

Sir, *Yeddo, July* 1, 1862.

I HAVE the honour to inform you that not having received any reply from the Ministers for Foreign Affairs to my letter respecting the outrage at the British Legation, I addressed another letter to them complaining of the delay, and that none of the Governors had been near me, of which I beg to inclose a copy.

This brought to the Legation in the afternoon of that day one of the Governors for Foreign Affairs, Tokunito Dsusio no Kami, Senior Governor of Kanagawa, who apologized for the unintentional neglect, and assured me that an officer had been ordered to give me the particulars the previous day (which had not been done), and that the Governors had been unable to call on me by reason of their having been occupied till near midnight at your Legation in the necessary investigation of the attack.

As it may prove an important part of the history of this affair, I have the honour to give you a brief sketch of the conversation which followed.

The Governor made the following statement:—One of the Japanese guard had been suddenly seized with a kind of madness, and it was suspected he alone had been engaged in the attack. He had been found dead, with a bullet in his body, and that he had committed suicide. That, as I was aware, a spear or lance had been found, and they hoped by these means to trace the other assailants, if more than one had been engaged.

I called his attention to the fact that the corporal had twenty wounds, some made with a sword, others with a lance. That it appeared to me, in view of the number of wounds inflicted, and the fact that some were in front and others in the back, that more than one person must have been engaged in the attack.

That while it properly belonged to Colonel Neale to indicate what he should expect to be done to effect the arrest of all who had participated in or been privy to the outrage, my friendship for the Japanese Government induced me to say that I had carefully examined the premises; that whether one or more were engaged in the attack, it was evident that no one could have escaped from the premises without directly passing by one of the guard-houses; and that, as the guard had been alarmed by the pistol-shot and noise, such escape could not have been effected without the knowledge of some of their number; that traces of blood could be seen leading to one of the guard-houses in a different direction from that taken by the deceased soldiers; that one of the Japanese guard had admitted he had seen the assassin, had claimed as a ground of merit that he had fought and been wounded by him, and then had run to the guard-house to give the alarm. That it unfortunately happened that the guard-house was within sight and call of this guard, and of the transaction; that his wound was a slight scratch on the back of his leg sustained while he was running away; and that his flight had given an opportunity for the attack on the corporal, who was coming to his aid, and that if he had done his duty the life of the corporal would have been saved, and the assailant, if only one, killed or arrested. That it was idle to have any guard unless it was perfectly understood that all would be held to a strict responsibility; that I would advise that a rigid examination be at once instituted; that every one guilty of cowardice or neglect of duty should be at once arrested, and when that was done, I was of opinion that the Government would be in possession of information which was now withheld by some of the guards.

The Governor admitted the force of these suggestions, and said he was satisfied that there had been criminal negligence and great cowardice.

I have, &c.

(Signed) ROBT. H. PRUYN.

Inclosure 9 in No. 29.

Mr. Pruyn to the Japanese Ministers for Foreign Affairs.

Yeddo, June 28, 1862.

MORE than a day has passed since the attack on the British Legation, and yet I have had neither a written communication from your Excellencies, nor a visit from one of the Governors of Foreign Affairs in relation thereto.

You will readily see that so great an outrage must have created great solicitude, as well as indignation, on the part of the Representatives of the Treaty Powers. And this omission on your part I feel more bound to notice, as it is so different from your conduct in 1861, when at an early hour of the succeeding day, you caused assurances to be given Mr. Harris of your regret at what had happened, and of your ability and disposition to protect the foreign Ministers.

I can only hope that this omission, which I have now to regret, is occasioned neither by your indifference to the feelings of the other Representatives, nor by your want of disposition or ability to protect them.

With respect and courtesy.

(Signed) ROBT. H. PRUYN.

Inclosure 10 in No. 29.

Mr. Pruyn to Lieutenant-Colonel Neale.

Sir, *Yeddo, July* 3, 1862.

I HAVE the honour herewith to transmit a copy of the reply from the Ministers of Foreign Affairs to my letter addressed to them on the 27th ultimo, in reference to the outrage committed at the British Legation.

I have, &c.

(Signed) ROBT. H. PRUYN.

Inclosure 11 in No. 29.

The Japanese Ministers for Foreign Affairs to Mr. Pruyn.

(Translation.)

WE received your letter dated the 27th June, 1862, and fully understood all you stated in regard to the recent occurrence at the British Legation.

As for your communication that the repetition of such an accident will lower us in the opinion of the civilized world—we are aware of this; but this accident proceeded from the unsettled state of the national feeling, owing to our people, as has often been communicated to your Excellency, being fond of the old custom. We hope, however, to regulate this national feeling by degrees, and change it so as to remove the apprehensions of the foreigners.

But it is a shame to us that the present accident is owing to one of the subjects of the Prince charged with the protection. Although the perpetrator already committed suicide, yet it is quite true that he was very criminal; and we shall sentence to suitable punishment, for neglect of duty, the officers who were there for protection.

While we were recently enabled to punish two of the persons engaged in the attack on the British Legation in the 5th month of last year (July 1861), as you stated to us, which made us feel somewhat easier, this accident again took place, for which our regret is a hundred times deeper than that of your Excellency.

We have given strict orders to increase the protection, and taken strict measures therefor; it is therefore desirable that you will take our feeling into due consideration.

Which we have to state in reply to your letter with respect and esteem.

The 6th day of the 6th month of the 2nd year of Bungkew (July 2, 1862).

(Signed) WAKISAKA NAKASOOKASA NO TAYU.
MIDZOONO IDZOOMI NO KAMI.
ITAKOOLA SOOWO NO KAMI.

Inclosure 12 in No. 29.

M. de Wit to Lieutenant-Colonel Neale.

(Translation.)

Sir, *Yeddo, July* 3, 1862.

IT is with a feeling of deep regret that I received from you the communication about the murderous assault made upon two of your guards in the night of the 26th June.

Painful as this unhappy occurrence will be to you in particular, I wish to assure you also of my sympathy with the victims and your feelings at such an event.

I wished also the Japanese Ministers to have it understood how much I sympathised with you on this occasion, which I expressed in the despatch I have the honour to inclose you a copy of, together with a copy of their answer.

I have, &c.

(Signed) J. K. DE WIT.

Inclosure 13 in No. 29.

M. de Wit to the Japanese Ministers for Foreign Affairs.

(Translation.) *Yeddo, June* 27, 1862.

I WAS, this morning, informed by Her Britannic Majesty's Chargé d'Affaires that, last night, two of his own guard were assaulted, resulting in the death of both.

It is with deep regret I learn that the measures adopted by your Excellencies for the protection of the Diplomatic Agents in Yeddo were not sufficiently effective to frustrate the evil designs of the ill-disposed.

I feel perfectly convinced that your Excellencies will be as deeply touched with this sad event as we are ourselves; and there is no better means of proving your sympathy than by giving evidence of an earnest desire to punish the murderers.

I have no doubt your Excellencies will spare no efforts to arrest and punish the culprits, but the importance of the event compels me to recommend to your Excellencies that the means to be adopted for this purpose, and the result, should be frankly made known.

I have, &c.

(Signed) J. K. DE WIT.

Inclosure 14 in No. 29.

The Japanese Ministers for Foreign Affairs to M. de Wit.

(Translation.)

WE have received your communication of the 27th June, 1862, and have understood all you have stated respecting the misfortune that has lately befallen the British Legation.

Although the one implicated, or the murderer, has already committed suicide, it is evident he is very guilty, and we intend to have the officers for protection properly punished for neglecting their duty.

We are, however, ashamed that, as you remarked, we did not frustrate the evil design of the ill-disposed, and have thus caused anxiety to yourself and others; but as this originates from the disorderly state in which the national feeling is, owing to our nation clinging to ancient customs, we are in hopes of leading this inclination by degrees into the right course, and accustoming the national feeling to this change, to set foreigners at ease.

Meanwhile, we have given strict orders to increase the protection, and to adopt more efficient means; therefore it is desirable you should take our intention into consideration.

We send you this in answer to your communication.

With respect and consideration.

6th day, 6th month of 2nd year of Bungkew (July 2, 1862).

(Signed) WAKISAKA NAKASOOKASA NO TAYU.
MIDZOONO IDZOOMI NO KAMI.
ITAKOOLA SOOWO NO KAMI.

Inclosure 15 in No. 29.

Lieutenant-Colonel Neale to the Japanese Minister for Foreign Affairs.

Yeddo, June 27, 1862.

I HAVE to lay before your Excellencies the recital of another murderous and atrocious assault committed upon this Legation, last midnight, by Japanese assassins, the number of whom is not precisely known, but which has resulted in the barbarous murder of a British soldier, one of the guard landed from one of Her Majesty's ships of war to aid the Japanese Government for the protection of this Legation, and the desperate wounding of another, a seaman of the same guard, who is not expected to survive.

To these unfortunate men I most probably owe the safety of my own life, for they were barbarously and unsuspectingly assailed with sabre and lance, and fell in their blood at my bedroom door.

The details attending this renewal of unparalleled atrocity upon Her Majesty's Legation on the anniversary (according to the Japanese calendar) of a similar deed perpetrated upon this Legation last year, and which aroused the horror and indignation of all civilized nations, will have been conveyed to you by the Vice-Governors and others, who have been sent here this morning to inquire into the details.

In this despatch, written a few hours after the occurrence, I restrict myself to demand of your Excellencies, in my character of Her Britannic Majesty's Chargé d'Affaires in Japan, to be informed what degree of security is intended to be extended to myself and the other members composing this Legation, this night and hereafter, since armed assassins pass unseen or unobstructed through the lines occupied by the numerous Japanese guards which surround this residence—assassins who failed to enter my bedroom only because opposed by the courage and constancy, until death, of two devoted Englishmen, while 500 Japanese guards were represented as carefully watching every passage to this temple.

The murderous and revolting attack which has now for the second time within the interval of one year, been made upon Her Majesty's Legation, and the permanent nature of the danger and violence with which it is menaced, are grave and serious subjects, the reparation of which it is not within my powers or desire to discuss with your Excellencies.

I shall hasten to lay the situation of affairs before Her Britannic Majesty's Government, for its high consideration, and await my instructions. The result shall in due course be communicated to the Japanese Government.

I have, however, in the meanwhile solemnly to acquaint your Excellencies that Yeddo being the post to which, under Treaty rights, I have been appointed to reside by Her Britannic Majesty's Government, in the character of Her Majesty's Chargé d'Affaires in Japan, here I shall continue to fix my residence with the rest of Her Majesty's Legation, to whatever perils we may be subjected, or whatever events may happen; but under such circumstances, in the name of Her Majesty's Government, I demand in the meanwhile of the Tycoon's Government that an officer of sufficiently high rank be appointed, specially charged with the distinct responsibility of protecting this Legation from assault by night and by day with Japanese guards, in whom confidence is placed, totally irrespective of the guard of British soldiers and seamen, whom I shall reserve for all emergencies within the interior of this residence; for it is intolerable to suppose that British soldiers and sailors can be subjected to be barbarously murdered when posted as isolated sentries at the Minister's residence in a country with which the British nation is at peace, while the Japanese guards come on the scene, as on this occasion, alone, to view the scene of bloodshed which has been enacted.

It can never be admitted that the Japanese Government is unable to render impossible the approach of armed assassins to a residence occupied by a Foreign Legation if it be so determined; and, through your Excellencies, I therefore earnestly invoke the serious and grave attention of the Tycoon's Government to this most seriousf act, for upon it will be determined the atonement required for injuries sustained.

A serious and respectful communication.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 16 in No. 29.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE have received your despatch of the 27th of June, and have understood your communication respecting the attack on the Legation on the night of the 26th.

This attack filled not only us with great grief, but even His Majesty the Tycoon; wherefore His Majesty told the Governors for Foreign Affairs himself to pay you a visit, and inquire after your health; and then we were not a little astonished and pained to learn that two of the guard had met with a sad death.

Owing to the disorderly state in which the national feeling at present is in this country, it happened once before that the Envoy was taken by surprise: this has happened again; and moreover, on this occasion, it was brought about by one of the retainers of the Prince to whom the protection of the Legation is entrusted, which is very improper, and fills us with shame. Although the culprit has already committed suicide, he is undoubtedly guilty, for he has left behind him an unmistakeable proof what he committed the deed with. Moreover, from the contents of your despatch, and the verbal communication of the Governors for Foreign Affairs, we are acquainted with the cowardly behaviour of the persons who were there for protection; and this way of acting fills our heart with a profound sentiment of disagreeable feelings: therefore we shall have all these persons carefully examined and punished according to their deserts.

With regard to the person of high rank you wish to be responsible, and entrusted with the protection of the Legation, it had already occupied our attention; therefore arrangements have been made to settle this according to your wish.

It would be more especially painful to us if you supposed that the anxiety which has been caused to you, and so frequently to the Envoy who resided in this city, was owing to the weakness of our Government: but as the ancient custom of this country, that was formerly closed, is not easily forgotten, it is difficult to change and abolish it at once; and therefore it is desirable you should take this into mature consideration, and not put down the steps we take to an unfriendly feeling.

We now have to request you to bear in mind that the different translations take up a good deal of time, and consequently a written reply was delayed.

With respect and consideration.

4th day, 6th month, 1st year of Bungkew (June 30, 1862).

(Signed) WAKISAKA NAKASOOKASA NO TAYU.
MIDZOONO IDZOOMI NO KAMI.
ITAKOOLA SOOWO NO KAMI.

Inclosure 17 in No. 29.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yeddo, June 30, 1862.

I HAVE received the letter addressed to me by your Excellencies in reply to my communication to you of the 27th instant, informing you of the outrageous assault made upon this Legation on the previous night by Japanese assassins, and resulting in the murder of two British guards, who, by the sacrifice of their lives at my bedroom door, saved it from still more tragic scenes.

I have understood the contents of your Excellencies' letter.

I learn from it officially that the assassin (for only one is spoken of) was the adherent of the Daimio Matsdaira Temba no Kami, to whom the protection of this Legation was entrusted; that the culprit had committed suicide; that he left behind him an unmistakeable proof of his guilt (the lance found near the body of one of the murdered men is here, I presume, referred to); that your Excellencies are impressed with a profound sentiment of vexation at the cowardly treason of the Japanese guards who were posted to afford protection to this Legation, and that all those persons should be examined and punished according to their deserts; that it would be more especially painful to your Excellencies if I supposed that the anxieties which have been caused so frequently to the British Minister who resided in Yeddo, and now to myself, were owing to the weakness of the Japanese Government; but that the ancient customs of the country cannot easily be forgotten or abolished at once; and, finally, that a written reply to my communica-

tion of the 27th instant was delayed in consequence of the difficulties attending the different translations.

It is my duty now to address your Excellencies in reply to your communication above referred to, and to record the impression which it has produced upon me.

In the first place, I desire to convey through your Excellencies my respectful thanks to His Majesty the Tycoon for the interest and concern which your Excellencies inform me His Majesty has been pleased to express when the outrage committed upon this Legation on the 26th instant was brought to His Majesty's knowledge.

It next becomes my painful duty to express my extreme anxiety and regret to have to report to Her Britannic Majesty's Government, while recording the event which has occurred, that the barbarous murder of the two British guards at the door of the room in which I slept, was perpetrated by one of the adherents of the Daimio who was appointed by the Japanese Government to watch over the protection of this Legation, and whose numerous guards entirely surrounded this Legation, inspiring a confidence which I had a right to suppose was equally shared by the Japanese Government, and thereby creating in myself, and in our own guards, a feeling of security which it is now seen never existed.

It is equally painful to note that such of these guards as were on the spot at the moment displayed cowardice (if, indeed, they were not directly implicated), and fled, leaving a solitary British sentry to be barbarously murdered.

It is not less alarming to reflect that the murderer carried a lance resembling in every respect those of the rest of the Daimio's guard; that this lance is twelve feet long, with which he could not possibly have passed the strong barricade placed round these grounds, nor have crept with it in his hands through the thick brushwood. Where, and by whom, was therefore this lance supplied? Where also were the Japanese guards, some of whose huts are within 150 feet from the spot where our men were murdered, and while the assassin, if only one (which is doubtful), was inflicting sixteen wounds on one victim, and nine on the other?

Your Excellencies say that this was culpable, but I have to assure you that these circumstances cannot fail to be considered as a sanguinary conspiracy among a portion at least of the Daimio's guards.

In such a state of affairs the action of the Tycoon's Government has been to direct communications to be held with me by several Governors of Foreign Affairs, my conferences with whom occupied on each occasion many hours.

The result of these protracted interviews has been the erection of a barricade still closer round this residence, the stoppage of entrances and hiding-places, and the strengthening of doors and windows—all most necessary measures.

The Japanese guards have also been removed to outside these defences, and are stationed on the heights outside. I must not omit here to add my great satisfaction that the officer of rank whom I requested might be appointed to reside on these premises and to be charged with the due discharge [*sic*] of the Japanese guards stationed around, has been appointed, and will reside within this temple.

Thus I have stated the purport and result of all the communications I have received from your Excellencies, verbal or written, since the barbarous and exciting event which has again taken this Legation by surprise.

But I am to this hour without the slightest assurances, verbal or written, that the measures adopted, without or within, are of such a nature as to ensure this Legation from further outrages.

I have not been informed, officially or in writing, whether the Daimio whose adherents committed this outrage has been, together with his men, removed from the charge with which they had been entrusted. If he has been removed, I am ignorant of what other Daimio has been now charged with this office, or what number of yaconins are now guarding this Legation. And, above all, I am ignorant whether the Tycoon's Government place, or do not place, implicit confidence in the Daimios and men now actually charged with the protection of Her Britannic Majesty's Legation.

I have not been informed what has been the result, as far as they may have gone, of the examinations and inquiries instituted by the Tycoon's Government into the circumstances attending the outrage which has been committed; of the result of the examination of the guards, of the yaconin who fled and abandoned the sentry; of the manner in which the murderer can have passed the Japanese guards, and the manner in which he still more strangely escaped, which he did after the guards were roused, and among whom he must have found refuge.

And, finally, I am ignorant of the opinion and belief of the Tycoon's Government as to the object and aim of the assailants.

Until such assurances and explanations as I have referred to are afforded to me by

your Excellencies, I have distinctly to acquaint you that I must continue to remain in a state of doubt and uncertainty with respect to the future chances of security from future outrages on this Legation.

This condition of affairs I cannot believe His Majesty the Tycoon (desirous of acting in a friendly spirit, as I do not for a moment doubt to be His Majesty's intention) will permit to be prolonged.

With respect and consideration.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 18 in No. 29.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication :—

When an evil-disposed person lately effected a secret admittance into your Legation, causing a bad occurrence, and depriving two of your sentries of their lives, the protection with which our officers were entrusted was found to be inefficient, for they allowed the culprit to escape; this causes us great shame. We are, however, rejoiced that you escaped.

His Majesty the Tycoon immediately heard all the circumstances of the case, which plunged him into great grief; therefore His Majesty sent, the same day, Okabay Sooloogano no Kami to you, ordering him to pay you a visit: he also sent a medical man in order to attend to the wounded, and as this is in our country a marked proof of friendly feeling, we did not make any mention of it in writing, but as you desired we should do so, because a verbal message, in course of time, would be no proof, we now comply with your request.

Although one of the retainers of the Prince has committed suicide, yet all the persons to whom the protection was entrusted failed in their duty, and thus we have our suspicions; therefore we have lost no time in having them examined.

We will send you a further communication when the real facts of the case have been elicited, having, in the meanwhile, given strict orders to the proper authorities to increase the protection.

With respect and consideration.

6th day, 6th month of the 2nd year of Bungkew (July 2, 1862).

(Signed) WAKISAKA NAKASOOKASA NO TAYU.
MIDZOONO IDZOOMI NO KAMI.
ITAKOOLA SOOWO NO KAMI.

Inclosure 19 in No. 29.

Lieutenant-Colonel Neale to Rear-Admiral Sir J. Hope.

Sir, *Yeddo, June* 30, 1862.

IT is with much concern I have to inform you that, on the night of the 26th instant, a repetition of the murderous assault by Japanese assassins which took place in July of last year, was again enacted at this Legation residence.

The circumstances of the attack on this occasion vary in some particulars, as in the number of the assailants; but I deeply regret to say it has resulted in the barbarous murder of two of the guards landed for the protection of this Legation from Her Majesty's ship "Renard."

The particulars preceding and attending this barbarous outrage are briefly as follows :—

Upon my arrival at Yeddo on the 12th instant, to take up my residence, I landed with thirty men from Her Majesty's ship "Renard," Captain Bingham himself landing with them, and assuming the personal command. This guard supplied three sentries by day and six by night, a duty sufficiently severe, and performed, I take leave to add, with the utmost regularity and vigilance.

The number of the guard, and the number of the sentries which they could furnish, appeared, in my opinion, sufficient under the circumstances; for a close cordon of Japanese guards, amounting, according to their Chief, to no less than 535 men, naturally seemed to ensure a security which has now proved to be a dangerous and false delusion.

From the 12th, the day of my arrival, to the evening of the 26th instant, no indications of danger prevailed; during the night the Japanese guards, in small parties of two,

three, or four descended from the heights immediately adjoining and overhanging this residence, and remained with our sentries until relieved by others at short intervals o every hour. The challenging of these guards by our sentries, and their answers giving the parole, was constant, as they passed continually to and fro.

These dispositions prevailed in like manner on the night of the 26th instant up to the hour of midnight. I should here arrest the course of this recital to state that on the 25th, the day previous, Her Majesty's ship "Renard" proceeded to Yokohama, with my full knowledge and concurrence; Captain Bingham resuming the command on board, and Lieutenant Edwardes of that ship landing at Yeddo, to take the charge of the guard of thirty men remaining at this Legation. The circumstances under which no objection prevailed to the "Renard's" departure for a while to Yokohama, will no doubt be made known to you by Commander Bingham; it consisted simply in the fact that thirty men, a large proportion of that ship's company, were already on shore, and that the distance, nearly four miles, at which she was obliged to anchor from the shore, rendered any further assistance from that ship difficult, if not impossible.

I now resume the recital of events as they occurred after midnight on the 26th instant. At that hour the sentries were relieved, the man posted at my bedroom door challenging at intervals the Japanese guards, occasionally within sight.

What followed, as I proceed to relate, I should state passed under my own knowledge and hearing, for I was awake, though in bed, and papered panels alone separated me from this sentry.

At half-past 12 he challenged sharply some approaching object. The answer was the right parole. The sentry was evidently, notwithstanding, dissatisfied, and again cried out in an anxious tone, "What's that you say?" "Who are you?" After which he walked briskly three or four paces towards the object. I rose in bed to hear the result, and in an instant the deadened sound of a rapid succession of heavy blows and cuts reached my ears, given in less than two minutes, and at every one of which followed a cry of pain and anguish from the unfortunate sentry. Silence succeeded for a moment, and was followed by the beating of drums on the heights, and the gathering of Japanese guards, with their red lanterns.

Within the interval of from three to four minutes, during which all of which I have here recited passed, I found my way across my drawing-room and dining-room to the quarters occupied by the guard. The wounded sentry had arrived the instant before me, and was laying among his comrades, three or four of whom were already up and armed; the rest were immediately accoutred, and, with Lieutenant Edwardes, followed me to the dining-room, the established rendezvous. The assassin having left the sentry at my door, as he supposed dead, went on towards the corner of this residence, a distance of not more than twenty paces, and there he met Corporal Crimp, R.M., coming alone on his rounds to visit the sentry at my door. A conflict appears instantly to have taken place between them. A revolver shot was heard about the moment the guard was turning out, but nothing further.

The guard was now assembled in my dining-room, as I have stated, having been joined by the men of the escort under Lieutenant Applin. Corporal Crimp was found to be absent, and was searched for outside this building: in a few minutes he was found a corpse, laying in a pool of blood across the threshold of one of the outer doors of my bedroom. His body was removed to where we were assembled, and the wounded and dying sentry (since dead) was placed among us, and attended by Drs. Jenkins and Willis. He stated that the Japanese sentry with him when he was attacked had immediately fled.

The frightful and desperate wounds inflicted on these unfortunate men, the Corporal having received sixteen, and the sentry nine, both inflicted in less than eight minutes, have been professionally noted by the medical men attached to this Legation, and bear evidence of the deadly efficacy of their weapons in such conflicts, as opposed to those with which Europeans are armed.

The sentry at my door was taken utterly by surprise by the sudden onslaught upon him with a sword. Every cut of the sword with which he was attacked severed the member it was aimed at. He could offer no defence whatever; his rifle was found on the ground undischarged, and the corporal discharged one shot from his revolver (which I am happy to have good reason to believe seriously wounded the assassin, since said to be dead), but he met his own death from sixteen wounds in less than five minutes, the half of which were each separately mortal.

The excitement of this night closed with the reappearance of morning. I addressed at once a despatch to Captain Bingham at Yokohama, where the "Renard" had anchored only the evening previous, requesting him to send me any additional men he could

possibly spare. Captain Bingham, with the utmost promptitude, responded by getting the "Renard" under weigh, and returning the same afternoon to Yeddo, where he landed with all the executive officers (except the master) and twenty-one additional men, leaving but a dozen men aboard, as will be reported by himself.

The sentries are now posted at every essential spot, and are in every instance double, in my opinion the most valuable and absolutely necessary precaution which could be adopted. They are constantly visited by officers' rounds, and are in close communication with each other around the house, these duties being carried out under the personal direction of Captain Bingham; and it is my bounden duty here to bear testimony to the determined zeal, energy, and promptitude with which the officers and men of Her Majesty's ship "Renard" earnestly and readily, by night and by day, are performing under these unusual circumstances the duties assigned to them.

This brings me to the immediate object of the despatch which I have now the honour of addressing to you, and which may be briefly stated to be as follows:—Consequent upon the event above recited I have necessarily been in constant and close communication with the Japanese authorities; the result has been far from satisfactory as bearing upon the future safety of this Legation, and in illustration of this fact I need only refer to the following avowals of the authorities themselves:—

That the assassin (if there was only one) was one of the retainers of the Daimio who had been selected by the Government to guard over the safety of this Legation: that he was a confidential servant of that Daimio; that the lance with which he was armed (now in my possession) must have been taken from one of the guard-houses: that the guards must have shown no vigilance, as he entered and escaped without having been detected: and that the Japanese sentry, who was with the murdered sentry at my door, had certainly shown great cowardice in running away, which he did when the attack took place, and was certainly culpable; and, finally, that the whole of the Japanese guards were to blame for failing promptly to come to our assistance.

Such is the result of my correspondence with the Japanese Government. They have changed their guards under another Daimio, and they have erected a palisade close round this residence, which is guarded by the "Renard's" guard. The Japanese guards are on the heights without. I have assurances from further assault from the Japanese Government, but they executed more tardily than need be, under such circumstances, the wood-works of defence we require.

Such is our present position, each day rendered safer, indeed, from treacherous assaults or sudden surprise; but I know not how long this state of anxious and active watchfulness on our part can be continued by the officers and ship's company of the "Renard," which may be said to be all engaged in this service.

What confidence or expectation of efficient or timely aid in case of need may be looked for from the Japanese guards, I beg to submit for your judgment, after perusal of the statements I have had the honour to lay before you. I confess that my own dependence on the aid to be derived from them is as slight as can be, seeing what has occurred.

My resolution is to maintain my residence at Yeddo, so long as a reasonable degree of personal safety to the members of the Legation prevails, for I think that until I receive instructions from Her Majesty's Government I should maintain my ground, whatever may be the aim or designs of the Japanese authorities or of hostile Daimios.

It is, therefore, under this position of affairs, and under these circumstances, that I have the honour to request such further assistance and aid from the squadron under your command, accompanied or otherwise with the Infantry guard referred to in previous correspondence, as you are enabled or deem it expedient to afford, with a view to enable me to maintain my position.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

No. 30.

Lieutenant-Colonel Neale to Earl Russell.—(Received September 12.)

My Lord, *Yeddo, July* 8, 1862.

I HAVE the honour to report to your Lordship that since the date of my despatch of the 3rd instant, bringing to your Lordship's knowledge the circumstances attending the attack on this Legation on the night of the 26th ultimo, Her Majesty's ship "Pearl," Captain Borlase, has accidentally arrived here having left Shanghae on a cruize.

This fortunate circumstance, together with the compact state of [illegible] in which this residence is now placed by barricades and additional guards, renders [illegible] at least, from surprise or attack from isolated bandits.

The general situation of this Legation at Yeddo, confined within the limits of the house and grounds where alone any degree of safety can be assured to its [illegible], and it is not improbable I shall be under the necessity of [illegible] here occasionally for the transaction of business. But I shall be guided in this respect by the measures Admiral Hope may be enabled or deem it advisable to adopt under the circumstances.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

No. 31.

Lieutenant-Colonel Neale to Earl Russell.—(Received September 12.)

My Lord, *Yeddo, July 11, 1862.*

WITH reference to your Lordship's despatch of May 1864, upon the subject of the request preferred by the Japanese Envoys that they might present in person the Tycoon's letter to the Queen into Her Majesty's own hands, and your Lordship's communications to the Envoys explanatory of the impracticability of their doing so under the circumstances referred to, I have the honour to inform your Lordship that in obedience to your instructions I have made known to the Ministers for Foreign Affairs the purport of your Lordship's despatch.

I sought and obtained yesterday an interview with the Gorogio or Council of Ministers for Foreign Affairs, taking your Lordship's despatch with me.

The principal Minister, after the usual compliments, commenced by making some remarks expressive of the deep regret entertained by the Tycoon's Government at the recent outrage committed on Her Majesty's Legation, upon which I requested His Excellency to permit me first to make the communication with which I was charged by your Lordship.

I then proceeded to read your Lordship's despatch, which was literally translated by Mr. Eusden, and repeated in Japanese by the Japanese (Dutch) interpreter to the Ministers.

I concluded by informing their Excellencies that a copy and translation of the despatch I had just read should be prepared and sent to them.

Their Excellencies assured me of the satisfaction they experienced by the communication thus conveyed to them for the information of His Majesty the Tycoon through their channel, and added that the attentions shown to the Japanese Envoys since their arrival in England would afford great gratification to the Tycoon, to whom they should hasten to make known the purport and object of your Lordship's despatch.

The Ministers then reverted to the subject of the outrage committed upon this Legation on the night of the 28th ultimo, and a conversation ensued, the principal points of which I shall have the honour to bring under your Lordship's notice in a separate despatch.

I availed myself of this interview to present to their Excellencies Captain Forbes, R.N., commanding Her Majesty's ship "Pearl," now at anchor in the bay, and some of the members of this Legation.

I have, &c.
(Signed) EDW. ST. JOHN NEALE.

No. 32.

Lieutenant-Colonel Neale to Earl Russell.—(Received September 12.)

My Lord, *Yeddo, July 11, 1862.*

IN an interview I recently had with the Gorogio, or Council of Ministers for Foreign Affairs, as referred to in my previous despatch of this day's date to your Lordship, the subject of the murderous attack on this Legation on the night of the 28th ultimo was entered upon by the Ministers with the object, as it appeared, of expressing their regret at what had occurred, and of congratulating me on my personal escape.

I replied to the Gorogio that I had little to add to what I had already written to their

Excellencies upon this lamentable occurrence, having reported the whole of the circumstances attending it to Her Majesty's Government, whose instructions I awaited in respect to my future action in this matter. But I stated to the Gorogio that there was one point connected with the circumstances attending the outrage which had been committed that had engaged my serious attention, and respecting which I requested, on their part, some satisfactory explanation. I said I referred to the fact that, on the morning of the day of the attack, I had received the visit of one of the Governors of Foreign Affairs, who informed me that he had come by desire of the Ministers to congratulate me that the previous day (the 25th June) had passed without any disturbance or untoward event having occurred, seeing that a year had expired since the attack on the Legation last year, according to the Japanese calendar; that he was glad to find that all was right, and that he should report the same to the Ministers. I continued that I had replied to the Governor that I had no reason to suspect any evil designs would be again perpetrated against this Legation; and added that our only enemies appeared to be the earthquakes, which had been rather frequent at Yeddo during the previous days. The Governor smiled at this remark and took his leave, abstaining from warning me of any possible danger of attack which the Japanese Government had had any reason seriously to apprehend, or of the necessity of any unusual caution on the part of this Legation.

The attack having actually taken place on the night of the same day as the Governor had called upon me, I now asked the Ministers why, if the Government had any fears or anticipations of danger threatened to Her Majesty's Legation, I had not been warned previously, rather than congratulated upon my escape after the outrage had taken place; for, I added, had I received the slightest warning from an official source the outrageous murder of the two English guards would inevitably not have occurred, for the sentries would have been doubled, and would certainly not have been barbarously murdered single-handed and unsuspectingly as they were.

The Gorogio, to my surprise, replied that I was certainly quite right in the observations I had made, and they regretted they had not thought of warning me in time.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

No. 33.

Lieutenant-Colonel Neale to Earl Russell.—(*Received September* 12.)

My Lord, *Yokohama, July* 15, 1862.

I HAVE the honour herewith to transmit a despatch addressed to your Lordship by the Japanese Ministers for Foreign Affairs.

I have annexed a translation in English of the Dutch version which accompanied it.

In acknowledging the receipt of this despatch I have acquainted the Japanese Ministers that while, in accordance with their request, I should not fail by the earliest opportunity to forward it to your Lordship, it was essential I should inform them that it was contrary to all established practice for foreign Governments to address each other otherwise than through the accredited Agents resident at their respective Courts. And I added that I had set aside this essential custom on the present occasion as the fact of the Japanese Ministers having directly addressed your Lordship in terms of regret at the recent outrage committed on Her Majesty's Legation implied that the Tycoon's Government was duly impressed with the serious nature of that occurrence, and of its attendant circumstances.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 33.

The Japanese Ministers for Foreign Affairs to Earl Russell.

WY hebben aan uwe Excellentie het volgende mede te deelen.

Sedert de verkeering tusschen ons en uw land aangegaan is, wordt de vriendschap van beide landen van dag tot dag meer en meer voortgezet. Doch uit de onmogelykheid van de spoedige verandering van het landsgebruik en de oude gewoonte is het nationale gevoelen aan de onordelykheid onderhevig, die in eens niet mogelyk te regelen en te doen zwygen is; hieruit volgt, dat onze vorige ambtgenoten aan den vorigen afgezant van uw land den wensch aangaande het tydelyke uitstel der openstelling van Jedo, Ozaka, Hiogo

en eene haven aan de west kust voor den handel, waarvan de bepaling in het Traktaat vermeld is, geschreven hadden, en weder de mondelinge mededeeling in hetzelfde opzigt door onze, by dezen gezondene, afgezanten gegeven was; waardoor uwe Excellentie den noodzakelyken staat der zaken van ons land nu waarschynlyk zou begrepen hebben, als uwe Excellentie hetgeen door den vorigen afgezant van uw land wezenlyk gezien en in acht genomen is, tevens in aanmerking zal genomen hebben.

Daar de omstandigheid van den tyd even zoo is als het bovengemeld is, zoo lokken en verzamelen vele officieren enz, die van hunne diensten ontslagen zyn, en de kleederen en levensmiddelen nergens gemakkelyk kunnen verkrygen, sedert eenige jaren uit ongenoegen hunner gelyken, en zy verschynen en verdwynen of komen uit en verschuilen in de verscheidene plaatsen met de onderneming, om de vriendschap, die tusschen Hunne Majesteiten de Souvereinen van uw land en de verscheidene der andere beschaafde mogendheden en zyne Majesteit den Taikoen van Japan behouden is, te verstoren.

Hoezeer de Regering immers zonder verzuim de maatregelen neemt, om zulken te vatten en te regten, echter is hunne beweging altyd onbepaald, dan eens zyn zy zich verzamelende en dan weer afscheidende, en hunne verblyf plaatsen zyn onzeker; en daarenboven verleiden zy dwaze lieden tot hunnen aanhang.

Hierdoor onze bittere aandoening meer verergerd zynde had het dikwyls plaats gevonden, dat eenige onaangename gewaarwording van de afgezanten niet alleen van uw land maar ook van de andere mogendheden verwekt was. Terwyl wy daarover zeer bekommerd waren, gebeurde het ongeval in den naent van den 28sten dag onzer 5de maand van het afgeloopene jaar; toen oefenden de lyfwachten (van Zyne Majesteit den Taikoen) tot de bescherming bestemd, en ook de officieren van den vorst, die met dezelfde bescherming belast was, de krachtige verdediging en het klockmoedige gevecht tegen de kwaaddoeners, zoo dat eenige hunner (van die beschermers) daarvoor eindelyk gesneuveld waren. Maar het had ons leed gedaan, dat de ondergeschikte secretaris, enz., van den afgezant van uw land zelfs de wonden gekregen hadden, niet tegenstaande onze byzondere voorzorg steeds aangewend was.

Gevolgelyk hebben wy naderhand byzonderlyk de omheining van die plaats versterkt, de officieren voor de bescherming vermeerderd en alzoo de beschikking genomen, opdat geen ongeval by herhaling plaats zal vinden.

Dan, weder in den nacht van den 29sten dag van onze afgeloopene maand sloop iin kwaaddoener onverwachts in den tuin van dezelfde plaats en hy vermoordde twee Britsche schildwachten; toen was een van de lyfwachten (van Zyne Majesteit den Taikoen), tot de bescherming bestemd, daar aanwezig, en sloeg de piek, die de kwaaddoener had, van deszelfs hand weg, maar daar by (die lyfwacht) ondertusschen ook gekwetst werd, zoo kon hy denzelven niet vatten en liet eindelyk ontsnappen.

Zoodra wy er een berigt van van de gouverneurs voor buitenlandsche zaken ontvingen, deden wy den verslag daarvan aan Zyne Majesteit den Taikoen; alsdan Zyne Majesteit zich er van zeer verwonderende zond dadelyk een lyfarts daarnaar, gaf den last aan Okabe Soeloeganokami om het bezoek by den Britschen afgezant af te leggen en te vragen hoe hy en de verdere Britische onderdanen varen, beval aan de gouverneurs voor Buitenlandsche zaken, de maatregelen ter versterking van de bescherming, enz., voor de toekomst te nemen, en maakte alle mogelyke schikkingen, om den kwaaddoener na te sporen.

Intusschen beging de officier Itoo Goenbioé, die aan Matsoedaila Tambanokami, eenen van de vorsten belast met de gemelde bescherming, onderdanig was, zelf-moord, derhalve werd deszelfs lyk onderzocht; alsdan werden eene wonde van den kogel uit het schietgeweer en twee wonden van het zwaard, waarmede dezelve den zelf-moord beging, op die lyk gevonden. Ten gevolge hiervan was het vermoedelyk, dat dezelfde officier volstrekt in den gemelden nacht daar geslopen en den aanval gedaan hebben zal, daarom namen wy de beslissing, dat die officier, hoewel zelf-moord begaan, zich van den gebruikelyken straf naar onze landswet niet vry kan maken, en verder dat wy de officieren, die toen daar geplaatst en tot be bescherming bestemd waren, voor de onvolkomenheid van hunne handelwyze na het onderzoek tot de gepaste straffen zullen veroordeelen.

Uit hoofde dat de genoemde vorst, heer van dien misdadigen officier, op last van Zyne Majesteit den Taikoen met de bescherming van de vreemde natien bezig was, was er geen gebrek van de instructie, welke door dien vorst aan de onderdanige officieren gegeven was, maar de onderneming, welke door dien misdadigen officier eigenwillig en zonder den eigenen dood te schromen gedaan werd, was vermoedelyk aan deszelfs tydelyke gemoedsbeweging gegrond, die, uit de onwederleggelykheid van de bestaande gewoonte, door de verleiding met eenige valsche geruchten, welke door de zwervers, enz., waren uitgestrooid, verwekt werd en daarom eenvoudig aan de vreemde natien den haat toedroeg, en waarvoor hy de instructie door de Regering en door zynen heer gegeven vergat.

Verder, wat de bescherming van de gemelde plaats (den tempel), waar de Britsche afgezant resideert, betreft, wy hebben by dezen volgens zynen wensch ter gerust stelling van zyn hart aan eenen geschikten hoogen officier last gegeven, om het oppergezag over de tot bescherming bestemde officieren te voeren en by zyne residentie verblyf te houden, en eene beschikking genomen, om de heining enz. rondom die residentie sterker te maken; hetgeen onze voorzorg is, om in den vervolge zoodanige smert als tegenwoordig nimmer te doen bestaan.

Aangaande de oprigting van zulk eene omheining scheen de vorige afgezant in twyfel gestaan te zyn, als of zyne vryheid door ons beperkt worde, en daaruit ontstonden er zyne tegenwerpingen van, maar de tegenwoordige afgezant liet de voortaan te nemene maatregelen aan ons inzigt over, daarom zal de bescherming, wy gelooven, in het vervolg meer volkomen tot stand kunnen gebragt worden.

Het spreekt van zelf, dat uwe Regering zal meenen, als of al de tot hier toe voorgestelde omstandigheden der zaken uit de ongenegenheid van onze Regering tot de vriendschap met uwe en uit de onmagt onzer Regering tot handhaving der wet voortvloeiden; hetwelk ons spytig en zeer schandelyk is.

Het doet ook Zyne Majesteit den Taikoen leed met betrekking tot Hare Majesteit de Koningin van Brittanje, derhalve heeft Zyne Majesteit ons bevolen, dat wy aan uwe Excellentie een brief zullen adresseren om alle omstandigheden der zaken verklarende de verschooning voor de tot nu toe gebeurde ongevoegelykheden te vragen en het vriendschappelyke gevoelen te bewyzen, zoo wenschen wy, dat uwe Excellentie al de bovengemelde omstandigheden rypelyk in aanmerking wilt nemen en den verslag daarvan aan Hare Majesteit de Koningin op eene voegzame wyze doen.

Met eerbied en achting voorgesteld.

Den 15den dag der 6de maand van het 2de jaar van Bun cuw.

(W. g.) WAKISAKA NAKASOOKASA NO TAYU.
MIDSOONO IDZOOMI NO KAMI.
ITAKOOLA SOOWO NO KAMI.

(Translation.)

WE send your Excellency the following communication.

Since the intercourse between your country and ours was entered on, the friendship of the two countries has been extended from day to day; but owing to the impossibility of suddenly changing the customs of the country and the ancient habits, the national feeling is subject to disorderliness, which it is not possible to regulate or silence at once; consequently, our former colleagues wrote to the Envoy from your country requesting the the postponement of the opening of Yeddo, Osaka, Hiogo, and a port on the western coast for trade, as it is stipulated in the Treaty. Moreover, our Envoys now in Europe have received instructions verbally to make the same proposals. From all this your Excellency may likely understand the precarious state of affairs in this country, especially if you take into consideration what was seen and taken notice of by Her Majesty's Envoy, now departed.

Circumstances being as stated above, many two-sworded persons, &c., who have been discharged, and find great difficulty in obtaining clothes and the necessaries of life, have of late gathered together and conspired, being dissatisfied with (jealous of) their equals. They appear and disappear, or come forth and hide themselves in different places, intending to disturb the friendly relations which exist between their Majesties the Sovereign of your country and His Majesty the Tycoon of Japan.

Although our Government never neglects to take proper measures to arrest and bring them to justice, yet their movements are very uncertain, at one time meeting and at other times dispersing themselves, and their hiding-places are unknown; besides, they endeavour to entice the ignorant to join them.

All this caused us great anxiety, and more especially when the Envoy, not only of your country but also those of the other Powers, met with unpleasant occurrences.

Whilst we were feeling quite uneasy about all this, the mishap (the attack) took place on the night of the 28th of our 5th month of last year (July 5, 1861). Then the Tycoon's body-guard appointed for the defence, and the officers (retainers) of the Prince who was likewise entrusted with the defence, exerted themselves effectually (to do their duty), and fought so bravely against the ruffians that some of them (the protectors) eventually died. But it caused us great grief that your Envoy's Secretary was wounded, notwithstanding all the precautions we had taken.

In consequence of this we afterwards put up a stronger palisade around the place, increased the number of officers (retainers) for the protection, and took such precautions that a similar mishap (attack) might not be repeated in future.

But again, on the night on the 29th ultimo (June), an evil-disposed person stealthily

got into the garden of the same place, and he murdered two British sentries. At the same time, one of the Tycoon's body-guard entrusted with the protection was present, and struck the lance which the ruffian had out of his hands; but as he (the protector) had meanwhile been wounded, he could not arrest him, but allowed him to escape.

As soon as we received intelligence (of the attack) from the Governors of Foreign Affairs, we communicated it to His Majesty the Tycoon, who, very much astonished at this, immediately sent a medical officer to the spot, gave instructions to Okabay Sooloogano no Kami to pay a visit to the British Representative, and to inquire how he and all the other British officers were. The Governors for Foreign Affairs received orders to increase the means of defence, &c., for the future, and every possible endeavour was made to find out the culprit.

In the meantime, the officer Ito Goonbio, a retainer of Matsdaira Tamban no Kami, one of the Princes entrusted with protection (of the Legation), committed suicide, consequently his corpse was examined; then one wound caused by the ball of a gun, and two sword-wounds with which he committed suicide, were discovered. Taking these facts into consideration, it was probable that the same officer (retainer) had managed to get in by stealth, and was the assailant; therefore we have decided that, although the said officer has committed suicide, he cannot escape the customary punishment of this country, and furthermore, that the officers (retainers) who were placed there for protection should be punished, after being duly examined for having been wanting in their duty.

As the said Prince, the master of the criminal officer (retainer), was ordered by His Majesty the Tycoon to protect the foreign nations, he did not neglect to proclaim the order to his subordinate officers (retainers), but the design which the criminal officer (retainer) of his own free will, and without fearing death, intended to carry out was most likely owing to a temporary derangement of his mind brought on by the present state of affairs being unchangeable, and being deceived by false reports spread about by wanderers, &c., he, therefore, very simply hated foreign nations, and forgot the orders he had received from the Government and his own master.

With regard to the protection of the aforesaid place (the temple) where the British Representative resides, we have given orders according to his own wish, and in order to set his heart at ease that a proper high officer should be in charge of the officers (retainers) destined for the protection, and that he should live at his (the Representative's) residence. We have also made the palisade round that residence much stronger, which is a precaution on our part, in order to prevent that in future such a sad occurrence should take place as we have just witnessed.

Referring to the erection of such a palisade, the former Envoy had his doubts whether we did not wish to restrain him in his liberty, and he objected to it; but the Representative now here left the measures to be adopted for protection entirely to us, and, therefore, we believe that for the future the defence will be most effectual.

Your Government will naturally suppose from all the facts of the case that this proceeds from disaffection of our Government to your friendship, and from our inability and weakness to maintain the law, which causes us great shame and sorrow.

His Majesty the Tycoon also regrets it (the attack) on account of Her Majesty the Queen of (Great) Britain, therefore His Majesty has ordered us to write a letter to your Excellency in order to explain all the circumstances of the case, and to beg pardon for all the unsuitable occurrences which have taken place until now, and to testify our friendly feeling. We, therefore, request your Excellency to take all the above-mentioned circumstances into mature consideration, and report the same officially to Her Majesty the Queen.

With respect and consideration.

15th day, 6th month of the 2nd year of Bungkew (July 1862).

(Signed) WAKISAKA NAKASOOKASA NO TAYU.
MIDZOONO IDZOOMI NO KAMI.
ITAKOOLA SOOWO NO KAMI.

No. 34.

Earl Russell to Lieutenant-Colonel Neale.

Sir, *Foreign Office, September* 22, 1862.

HER Majesty has learnt with sorrow and indignation the events of the 26th June, in Her Majesty's Legation at Yeddo, as reported in your despatch of July 3rd.

You have transmitted to me the very unsatisfactory apologies and declarations of the Japanese Ministers on this subject.

You will state to the Japanese Ministers that some circumstances connected with the murders perpetrated on two of Her Majesty's subjects, employed in Her Majesty's service, and actually engaged in defending Her Majesty's Legation, have produced a very painful impression. Some of these circumstances are—

1. That whereas the Japanese guards employed when the murderous attempt of last year took place, bravely defended the Legation, and exposed their lives in the performance of their duty, the followers of the Daimio employed on the present occasion, although sufficiently numerous, behaved in the most cowardly and treacherous manner.

The inference would appear to be, that the former guards were removed for their fidelity, and the guards who behaved in a cowardly and treacherous manner were expressly chosen for their want of courage and fidelity.

2. That the Japanese Minister who called upon you on the day previous to the murderous assault exhausted his communications in congratulation, and when afterwards asked why he did not warn you of your danger, the Ministers admitted the omission, but failed to account for it.

The inference would seem to be that the visit of congratulation was intended to put you off your guard, and to prevent you taking those precautions which, as you justly say, would have saved the lives of the unfortunate victims.

3. The number of wounds, sixteen on the person of one and nine on that of the other murdered man, would seem to show that the assassins were several, and that the Japanese yaconins or guards connived at the assassination. The letter of the American Minister, Mr. Pruyn, is specially worthy of attention in this respect.

The inference would seem to be, that the Daimio entrusted with the defence and protection of Her Majesty's Mission secretly favoured an attempt to murder the Secretary of Legation and all the members of the Queen's Mission.

4. Neither on the last occasion of murderous and midnight assault, nor on the present, have the Japanese Ministers given any assurance of efficient protection for the future.

The inference would seem to be, that they indulge a secret hope that the sense of insecurity may at length induce Her Majesty's Government to abandon Yeddo, and gradually allow the ancient custom of non-intercourse and prohibition of trade to be re-established.

These are grave suspicions, and it is painful to be obliged to entertain them. But they are suspicions which nothing but the most searching inquiry into the past, and the most efficient protection for the future, will suffice to dissipate.

In regard to your conduct as Her Majesty's Representative, I have to inform you that Her Majesty's Government approve the steps which you took immediately after the occurrence, and especially your refusing to admit to the Legation a crowd of the accomplices of the assassins, who wanted to enter under pretence of accompanying the dead body:

That Her Majesty's Government are glad to see the readiness with which the Representatives of the Emperor of the French, of the United States, and other Powers, evinced their horror, indignation, and sympathy.

Her Majesty's Government entirely approve your resolution, as stated in your letter to Admiral Hope, "to maintain your residence in Yeddo so long as a reasonable degree of personal safety to the members of the Legation prevails." The abandonment of Yeddo by Her Majesty's Legation would be a great encouragement to the assassins and their abettors.

Her Majesty's Government desire, therefore, that you should show in every possible way that Her Majesty's Government will not be deterred from their course by these shameful murders. It would be better that the Tycoon's palace should be destroyed than that our rightful position by Treaty should be weakened or impaired.

You will urge upon the Japanese Government the duty, for its own sake, of a strict inquiry into the late deplorable occurrence. If, as there is every reason to believe, the Daimio in charge of the Legation betrayed his trust, and connived at the attack on the Legation, he should be openly degraded, and most severely punished.

Her Majesty's Government expect that Admiral Hope and the officer commanding at Hong Kong will take efficient steps for your protection. It may be necessary to arm the Legation with three or four small cannon, to be mounted on a fit platform close to your residence.

You will demand compensation for the families of the unfortunate Marines who have lost their lives in the service of their country. That compensation should be 10,000*l.* sterling paid in gold. This sum should be levied on the estate of the Daimio in charge of the Legation at the time of the assault.

I have only further to state that Her Majesty feels sincere concern that her faithful

servants should be exposed to a nightly dread of assassination. But it is to be hoped that if we maintain with due firmness and temper our right to security, and the safety of the subjects of Her Majesty residing or trading in Japan, these murderous attempts will cease, and a peaceful intercourse be established.

I am, &c.
(Signed) RUSSELL.

No. 35.

Lieutenant-Colonel Neale to Earl Russell.—(Received September 27.)

(Extract.) *Yokohama, July 17, 1862.*

A COMBINATION of circumstances has induced me to return for two or three weeks to Yokohama.

Lest, however, any misapprehension should arise respecting the future permanent residence at Yeddo of Her Majesty's Legation, as at present determined, I have thought it advisable to insert a notification in the local newspapers, as well for the information of the Japanese Government as of the British community residing in Japan, and a copy of which I have the honour to annex.

My colleagues, without exception, have, since my arrival in Japan, and previously, with the exception of the Minister of the United States, been in the habit of passing to and fro between Yokohama and Yeddo, residing for a longer or shorter period at either place. It had been my decided determination, however, to have resided permanently at the capital, and with this view I had, upon leaving this place on the 12th of last June, removed the archives of the Legation, and every article of furniture belonging to the several members of it, to Yeddo, leaving instructions with Her Majesty's Consul to give up the leases of the two buildings which had been rented here, upon their expiration on the 15th and 31st of August respectively. They have now been retained at the same rates, month by month, so long as they may be required; a measure rendered the more necessary as the new Legation residence at Yeddo I found to be not in so advanced a stage towards completion as I had been assured it was; and, although workmen are continually employed upon it, it cannot be ready for occupation before the end of October.

I therefore purpose during the interval, and pending such instructions as I may receive from your Lordship, consequent upon the unlooked-for event which occurred at Her Majesty's Legation at Yeddo on the 26th ultimo, to visit Yeddo occasionally, as official business with the Ministers for Foreign Affairs and expediency may render necessary, remaining for some days on each occasion at the old residence.

I should here state to your Lordship, that up to this date I have received no communications from the Japanese Government with respect to the result of their examinations into the circumstances attending the assault on the Legation, respecting the persons found to have been implicated in that outrage, the ostensible or real object of the attack, which in this country is generally written and borne on the assailants, the real number of persons engaged in the attack, or the punishments to which any of them had been subjected.

Inclosure in No. 35.

Notification.

IT is hereby notified to Her Majesty's subjects residing in Japan, that the permanent residence of Her Britannic Majesty's Legation at Yeddo having been at once commenced upon the ground conceded to it, will be completed in the month of October next. During the interval the Legation will reside alternately, as heretofore, between Yokohama and Yeddo.

Yokohama, July 17, 1862.

(Signed) F. HOWARD VYSE, *Her Britannic Majesty's Consul.*

No. 36.

Earl Russell to Lieutenant-Colonel Neale.

Sir, *Foreign Office, October 2, 1862.*

I HAVE to state to you that Her Majesty's Government approve of your having, under the circumstances reported in your despatch of the 17th of July last, transferred for a time the residence of Her Majesty's Legation from Yeddo to Yokohama.

I am, &c.
(Signed) RUSSELL.

No. 37.

Lieutenant-Colonel Neale to Earl Russell.—(*Received October* 15.)

(Extract.) *Yokohama, August* 1, 1862.

FIVE weeks have now elapsed since the last tragic scene of violence and murder was enacted at Her Majesty's Legation at Yeddo, and which called forth such earnest declarations of the Japanese Government as to their intentions of rigidly investigating the circumstances, and of bringing the perpetrators of this outrage and their accomplices to well-merited punishment.

I regret, however, to have to report to your Lordship that, up to this date, I have not received the slightest communication affording any information respecting this serious event.

But lest it should chance to be inferred that the Tycoon's Government were troubled or preoccupied by urgent affairs of State which engrossed their entire time and attention, and impeded their devoting their due attention to this subject, I should here record that, far from exhibiting any such indications, I have received from the Ministers of Foreign Affairs numerous communications, written and verbal, since the attack on Her Majesty's Legation, but relating, for the most part, to comparatively frivolous and unimportant matters.

The Japanese Government, it can hardly be doubted, was well and completely in possession of all the facts connected with the outrage on Her Majesty's Legation immediately after its occurrence. Unlike the circumstances attending the attack of last year, on the present occasion the assassins were not to be traced to their source among the adherents of hostile Daimios, but they came avowedly from the ranks of the guards placed by the Government itself around Her Majesty's Legation for its defence. This plot for the murder of myself, and of any others of the members of the Legation who might stand in their path, was thus deliberately devised and concocted by those whose employment freely enabled them to mingle with our sentries, and for days and weeks to overlook our very rooms.

The policy adopted by the Japanese Government consequent upon this outrage it is now too evident is that of inaction, and a stubborn resignation to whatever consequences may result. The sources from whence the hired assassins were sent forth on their murderous errand, the numbers implicated, their precise designs, and the punishment, or more probably impunity, attending them must, I have every reason to expect under present circumstances, remain hidden from us, so far as any revelations on the part of the Japanese Government are concerned.

I have stated to your Lordship at the beginning of this despatch that I had received no communications whatever from the Japanese Government respecting the information elicited, or measures adopted by it, consequent upon the outrage to which Her Majesty's Legation had been subjected.

I must slightly rectify this statement, for it had escaped me to add that on two or three occasions Mr. Eusden, the Japanese Secretary of this Legation, has been of late applied to by some officials of a low grade, who stated that they had been sent by the Custom-house authorities for the purpose of inquiring what families or relatives had been left by the two English guards murdered during the attack on the Legation.

Thus it would seem that the Japanese Government would be but too glad to avert, if they are enabled to do so, all further remonstrance or inquiry by the payment of an indemnity for the outrage committed. But if such be the limit to which their views have extended in this matter, they are forgetful or unmindful of the fact that Her Majesty's Legation still remains permanently exposed to a repetition of assault and violence, a contingency which they have said or done nothing to render improbable.

No. 38.

Lieutenant-Colonel Neale to Earl Russell.—(*Received November* 14.)

(Extract.) *Yeddo, August* 21, 1862.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 9th June last, with its several inclosures, which conveyed to me the decision of Her Majesty's Government respecting the subject of the ports and cities which, in the terms of the Treaty between Great Britain and Japan of August 1858, should have been opened for the trade and residence of British subjects at the several periods therein

specified, but the opening of which, at the urgent representations of the Tycoon of Japan and his Ministers, Her Majesty's Government had consented to forego for a period of five years, from the 1st of January, 1863.

Upon the receipt of your Lordship's despatch I immediately communicated to the Japanese Ministers a translation, very carefully prepared in the Japanese language, of the Memorandum specifying the engagements drawn up and signed in duplicate on the 6th of June last by your Lordship, in conference with the Japanese Envoys.

I have also personally explained with great minuteness the observations and remarks attendant upon the agreement set forth in the Memorandum, and contained in your Lordship's despatch, which I was instructed to bring to the knowledge of the Tycoon's Ministers.

This communication was received by the Gorogio with unfeigned satisfaction, in so far as it related to the deferment of the opening of the ports, a subject which had doubtless occasioned the Japanese Government much anxiety, although the reasons for that anxiety are not altogether so palpable and evident as the Japanese Government has represented.

There certainly exists a party in this country opposed to all intercourse with foreigners, but there is also a party hostile to the Tycoon's dynasty, which it is now generally believed would willingly participate in the revenues derived from the operations of foreign trade otherwise than by the legitimate Customs duties.

The six conditions attached to the concession, as specifically detailed in the Memorandum, are evidently unpalatable to the Japanese Ministers. They have, however, received the announcement of the arrangement concluded with official satisfaction, and they were the more gratified with my communication as the despatches of the Envoys, which arrived through my channel by the same occasion, conveyed to them the Memorandum in the English language, and which they had attempted laboriously to translate.

I have omitted to execute no part of your Lordship's instructions respecting this subject. Herewith I have the honour to transmit a copy of the Notification by which I made known the decision to which Her Majesty's Government had arrived respecting it to Her Majesty's subjects; but the inward mail having hardly arrived (two days ago), when the outward mail is on the eve of departure, I am therefore unable as yet to convey to your Lordship any written reply or acknowledgment from the Gorogio regarding the communication I have made to them.

I need hardly affirm how urgently essential were the conditions which have been assented to by the Envoys, to the satisfactory working of our trading relations with this country.

Two days before the receipt of your Lordship's despatch conveying to me the solution of the difficulties represented to be attendant upon the opening of the now reserved ports, I had already sought and obtained an interview with the Gorogio, for the purpose of laying seriously before them an accumulation of grievances connected with the restrictions and obstructions to which foreign trade was practically subjected, and respecting also the too reserved and heedless demeanour of the Tycoon's Ministers. But with the view of obviating the tedious and harassing interruptions of an argumentative nature which attend official interviews in Japan, and by which the bare outset of an interview is sometimes ingeniously eked out by the prolonged discussion of some trivial incident, I obtained the Ministers' assent to state in the first place all I purposed to say without interruption, and thereupon I communicated to them, through the channel of Mr. Eusden and Mr. Alexander Von Siebold, Interpreters of this Legation, the whole of what is set forth in the accompanying paper.

The Gorogio listened attentively to my statement, which occupied a sitting of five hours, and upon its termination abstained from objecting to the correctness of any of my statements, but, on the contrary, assured me that our mutual relations should be on a far more satisfactory footing in the future, and that they would also communicate with me more freely on public matters of general and mutual interest. They relaxed from their ordinary demeanour of suspicion and reserve, and I took my leave of them, satisfied that I shall in my future relations encounter more frankness and less futile bandying of pointless arguments, further eked out by native interpreters to an infinitesimal degree, than I have hitherto, in common with all my colleagues, experienced.

While submitting these remarks to your Lordship upon the still existing repugnance of the Japanese Government to pass hurriedly from restricted relations to a really free and unshackled trade between its trading subjects and foreigners, it is with the utmost satisfaction I find myself enabled to report to your Lordship that the operations of British trade in Japan have been in no degree diminished or arrested, but on the contrary,

despite of all obstacles and difficulties, the last half-year's returns tend to demonstrate that our merchants have taken root in this new field for their enterprise, and that their large resources and unfailing perseverance in surrounding themselves with independent means of action go far to counterbalance the restringent policy opposed to them by the Japanese authorities.

But while our commercial relations with this country are slow in progressing, they would attain at once a more rapid growth should the Tycoon's Government be induced to act in good faith and allow the people to enter freely the arena of trade, for which they are so well disposed.

How the Japanese Government may be induced so to act in these early days of their renewal of relations with foreign Powers appears to be the question to be solved.

Inclosure 1 in No. 38.

Notification.

British Legation, Yeddo, August 21, 1862.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires and Acting Consul-General in Japan, under instructions from Her Majesty's Principal Secretary of State for Foreign Affairs, has made the following communication to the Japanese Ministers:—

That Her Majesty's Government are prepared to consent to defer for a period of five years, to commence from the 1st January, 1863, the fulfilment of those portions of the IIIrd Article of the Treaty between Great Britain and Japan of the 26th August, 1858, which provide for the opening to British subjects at the several periods therein specified, of the ports of Ne-egata, Hiogo, and for the residence of British subjects in the cities of Osaca and Yeddo:

That Her Majesty's Government are willing to make these large concessions of their rights under Treaty, after consideration of the representations made to Her Majesty's Minister in Japan by the Ministers of the Tycoon, and to Her Majesty's Government by the Envoys sent to England by the Tycoon, respecting the difficulties that are experienced by the Tycoon and his Ministers in giving effect to their engagements with foreign Powers having Treaties with Japan, in consequence of the opposition offered by a party hostile to all intercourse with foreigners:

But that Her Majesty's Government expect that the Tycoon and his Ministers will, in all other respects, strictly execute at the ports of Nagasaki, Hakodadi, and Kanagawa, all the other stipulations of the Treaty.

It will be the urgent duty of the Undersigned to watch over the due observance of the spirit of those stipulations, to which the Japanese Government are now thus doubly bound by special engagement.

In accordance with the foregoing announcement, Her Majesty's subjects residing in, or hereafter arriving in, Japan, are hereby prohibited, and will abstain from frequenting or visiting, until further notice, any other ports or places in Japan than Nagasaki, Kanagawa-Yokohama, and Hakodadi.

(Signed) E. ST. JOHN NEALE,
Her Britannic Majesty's Chargé d'Affaires and Acting Consul-General in Japan.

Inclosure 2 in No. 38.

Minutes of a Conference held at Yeddo on the 19th August, 1862, *between Lieutenant-Colonel Neale and the Japanese Ministers for Foreign Affairs.*

AFTER the usual compliments, Her Majesty's Chargé d'Affaires said:—

Before I enter upon the several matters to which it is my duty to request your Excellencies' attention, I have to observe that it rests with your Excellencies to decide whether you will hear me in private, or in presence of all the other officials here assembled. For myself, I would prefer the latter course.

The Gorogio.—The persons present are all confidential officers of the Government, and the conference might take place in their presence.

The Chargé d'Affaires.—As the several subjects respecting which I shall speak are connected with each other, I have to request your Excellencies will allow me to terminate what I have to say before any explanations are entered upon.

The Gorogio assented.

The Chargé d'Affaires.—I have come here to represent to the Tycoon's Government, through your Excellencies, that the relations as at present maintained by it with Her Majesty's Representative are not such as prevail between friendly Powers; and no unfriendly acts have been committed by British authorities, and no violation of Treaty on the part of British subjects have been complained of by the Japanese Government.

I have to assure the Gorogio that Her Majesty's Representative is here to cultivate the most friendly relations with the Government and people of this country; in addition to which, the only other object in view is the peaceful interchange of products between the merchants of the two nations as established by Treaty. If the further extension of that trade is not in reality agreeable to the Japanese Government, as may be inferred from their reiterated requests that the other ports to be open by Treaty to foreign trade should not be frequented by foreigners for a period of years, that object (if the Japanese Government seriously reflects) is not to be obtained by a reserved and unconciliatory demeanour, or by indications of measures of defence, the purchase of cannon-steamers, construction of forts on the coast, and other unnecessary preparations, which subject the Japanese people, and the Daimios their Chiefs, to a great and useless expense, thereby inducing on their part a repugnance to the presence of foreigners which they would not otherwise entertain.

In the meanwhile, even amicable interviews and explanations, personally or by writing, through which numerous matters and doubts might be cleared up and settled, are rendered difficult by the line of policy adopted by the Japanese Government. If letters are addressed to the Ministers by the Representatives of the several Treaty Powers, no answers are returned unless they relate to comparatively unimportant subjects; many letters are, in the meanwhile, received from the Ministers and Governors relating to matters of slight international interest, as the removal of one Governor and the appointment of another, a matter of which Consuls might, or might not, be informed if the Governor is appointed to the port at which they reside. Important political changes, such as the appointment of the Gotiro, the proposed visit of the Tycoon to the Mikado, the assembly of large bodies of armed men at Miako, or any other matters of general political interest, are not communicated.

If an interview is demanded, the day of reception is fixed at the most distant possible period; although for anything the Gorogio may know to the contrary, the communication which I might have to make may be of vital importance and interest to Japan. The time may come when the Japanese Government will be desirous to see Her Majesty's Representative respecting matters of urgent interest, when, if he fixed a distant period for that purpose, much inconvenience and detriment might be occasioned to the Government of this Empire.

If I pursued the same course as your Excellencies in avoiding to answer letters, or by neglecting to encourage friendly relations with the Japanese authorities, those relations would virtually cease, and an unpleasant condition of affairs immediately succeed.

A most grievous outrage was committed by Japanese assassins nearly two months ago, for the second time, on the British Legation, attended with murder and bloodshed—an event justly calculated to arouse the anger of any nation whose subjects were so barbarously treated.

I now declare to the Gorogio that I no more know what the British Government may decide in consequence of this outrage than the Gorogio itself; and, indeed, your Excellencies must be aware that I cannot learn that decision before the close of the year; but I do know what the Japanese Government has done—it has expressed its regret at the occurrence, and promised to communicate to me the result of a rigid inquiry into the circumstances and the measures of punishment which have been adopted, as also the precautions taken for the peace and security of this Legation in the future. To this hour, however, I have received no communication whatever respecting this subject; on the contrary, the guard which was placed around the Legation for its defence has, I find, on my return to Yeddo on this occasion, been greatly diminished without any notice or reason assigned. Is it the wish of the Gorogio that the Legation should be entirely defended by British troops? The guards at some of the other Legations in the meanwhile appear to have been greatly increased, certainly not diminished.

When events of the outrageous nature of that referred to are reported by a Minister to his Government before coming to a decision, such Government is generally disposed to await the further reports of its Agent, hoping to find that the foreign Government

had atoned by every means in their power for an isolated event which they regretted, but which served to augment the conciliatory spirit which already existed on their part. I ask the Gorogio if I have any reason to write in such a sense, or rather whether I am not justified in reporting to my Government that the conduct of the Japanese Government is unconciliatory and more reserved than before the event occurred.

The Japanese Government has always excused itself for this line of policy, by declaring that the nation was opposed to foreign intercourse. The exactitude of this statement is doubted for a very good reason, as far as England is concerned, that nothing has ever been done by British subjects in Japan to create fear, distrust, dislike, or want of confidence in regard to them on the part of the Japanese people. The Gorogio is, doubtless, aware that the great ancestor of the present Dynasty, the celebrated Tycoon Yeas (Gongen Sama), received the English 250 years ago with the utmost kindness, accorded them a Convention and full permission to trade in any part of the Japanese Empire, to pay no duties. and to come, go, and reside where they would. That Convention is now deposited in the great State House for archives in England.* They enjoyed those rights and lived freely in Japan for ten years; but commercial transactions not being profitable in those days, they voluntarily withdrew from Japan, respected and regretted. The people of that same English nation are here under a recent Treaty. What have they done that the Japanese people should be opposed to intercourse with them? The trade which has already been established by them is enormous. The revenue derived to the Japanese Government is very considerable; the duties paid during the half-year ending the 30th June amounted to 118,925 dollars (29,731*l.*), and it depends upon the Japanese Government to render British trade five times greater. And yet, the produce of this country exported by British merchants consists in agricultural products, which Nature and the industry of man reproduce each year. The precious metals which the merchants of other nations took out for ever from this country in shiploads each year are untouched; but, on the contrary, dollars to a vast amount are now each year brought by our merchants and deposited in Japan, and do not again leave it. All this is pure gain to Japan and the Japanese people; but the people it would appear do not gain, they lose. Who does gain; and why are the people dissatisfied? The presence of foreign Ministers and wealthy foreign merchants does not occasion expenditure on the part of the Japanese Government, as alleged. Not one itzebou need be expended on account of them. They provide for their own necessities, and riches are derived from their presence. I would inform your Excellencies of one fact connected with British commercial relations in the neighbouring Empire of China. The Custom-house duties of one port alone in China (Shanghae) derived during last year (1861), chiefly from British trade, are so vast, amounting to 2,774,450 taels, or 855,455*l.* sterling, that the Government expenditure of Peking and the Court, as well as the Chinese armaments against the rebels by land and by sea, are actually maintained in great measure by the revenue derived from that source.

Trade at the ports now open to trade in Japan is restricted by bonds which are calculated only to enrich the officials appointed by the Japanese Government to collect the duties. Foreign merchants in reality deal with the Custom-house, and not with the people of Japan. This is contrary to all Treaty stipulations. When the producer has paid all that is required of him to the Government officials, he is often a loser, or gains but a tenth-part of what he might if not thus indirectly taxed; he, therefore, ceases to bring down his produce. I will state to your Excellencies an example: a principal British merchant told me that he was desirous of buying a certain article, and offered the Japanese seller what was a high price, viz., 22 dollars a picul; the offer was not accepted. The English merchant then said, how is this? tell me truly how much it costs you yourself. He answered, It costs me only 11 dollars; but the remaining 11 dollars which you offer me in addition are not sufficient to meet the demands which would be made on me in official quaters.

The Custom-house at Yokohama directly interferes in every bargain or contract or necessity that may arise. No boat can be hired unless by its permission, or coolie engaged. They are furnished by the Custom-house in very insufficient numbers, and merchants complain that sometimes their goods are left in the open air, exposed to rain, or to thieves by night. If a house is to be built, or carpenters wanted, the Custom-house authorities must be applied to; when such want is satisfied or not at their pleasure. In what manner would the Japanese nation suffer if a carpenter, a boatman, or a coolie gained what a merchant would liberally pay him? In my own house, some coolies begged they might be paid double the usual amount, as the yaconins took the half of whatever they received.

* British Museum.

Again, 60,000 or 70,000 dollars are due by Japanese to British merchants. What has the Japanese Government done to obtain the payment of these debts? I will say what has been done. From time to time the Custom-house prefers some counter-claims of Japanese merchants, amounting to a trifling sum, requesting that payment may at once be made. I hold in my hands the claims on both sides. Debtors owing large sums to British merchants are sometimes arrested, but allowed to escape. Did this state of things ever permanently remain unsettled in any country? Why augment the evil by putting off their settlement? A conference was promised to inquire into the nature of each claim; but for many months nothing more has been heard respecting it.

I accomplish my duty in calling the attention of the Japanese Government to all the subjects I have alluded to, because it is possible it may be unaware of the mutual confidence and courtesies which are expected by Western nations, and the obligations which mutually exist between nations at peace and in friendly relations with each other. I have said or asked nothing unreasonable; but having made known to the Gorogio the various matters which I deem worthy of their attention, I shall await the result in no unfriendly spirit, but in the earnest and sincere hope that the Japanese Government may see the necessity, in its own interest, of placing its relations with the great and powerful British nation on a more satisfactory footing than they are at present.

I conclude with one observation, which I would particularly wish the Japanese Government to record; and it is this: that the more the intercourse between Great Britain and Japan is extended and enlarged, and the greater the interests at stake between the two nations, the more the integrity and well-being of Japan and the Japanese people will be a subject of deep interest to the British nation and Government.

The Ministers having listened attentively to these statements and remarks, replied: "The Tycoon certainly desires to entertain the most amicable relations with the British nation through its Representatives. We much deplore the event which occurred at the Legation, and regret that we should not as yet have communicated to you the result of our investigation into the particulars of the attack of the 26th June, by which two men were murdered; but as we examined the whole of the guards, who were very numerous, a good deal of time was required. The Governor of Yeddo, who is present will now state the result of his inquiries."

Chargé d'Affaires.—I shall be very glad to hear whatever the Governor can communicate respecting the attack, but it is from the Gorogio I expect to obtain that information in writing.

The Governor of Yeddo then stated as follows:—That the man who had attacked the English sentries and murdered them was not actually one of the guards, but was an adherent of the Daimio who commanded them. That on the night in question he came to one of the guard-houses and asked what the parole was, and being a man known to the guard, he was told what it was. That he then went away, and must have gone down to the English sentries unobserved; that after committing the murders, he had escaped and gone back, wounded by a pistol-bullet, to one of the same Daimio's palaces, and there committed suicide. That he had originally started from the Daimio's palace with two others, but they had not come with him. That no other persons had been found to be implicated; and that the man who had committed the act was of deranged intellect.

The Chargé d'Affaires.—All that the Governor relates, after two months' delay, was known to myself and all others the morning after the event.

The Governor.—That is true; but the punishment which is awarded for the crime is not known. It is this: that the body of the murderer (whose name was Ito Gumbey), which is not yet buried, will be burnt, and his remains thrown in the streets; a great punishment in this country, and a great dishonour to his family.

The Chargé d'Affaires.—I am not aware that this termination to the outrage which has been committed will be deemed satisfactory or sufficient by my Government. This will be known hereafter.

The Gorogio.—With respect to this subject, you have informed us, in reply to our inquiry, what number of relatives the two English guards who were murdered had left. We are desirous of stating that we are prepared to pay, for the benefit of those relations, the sum of 3,000 dollars.

The Chargé d'Affaires.—I can only take note of this proposal, and will report it to my Government.

The Gorogio.—In respect to the other matters of which you have spoken to us, we wish to assure you we shall act so that you will be more satisfied for the future. As regards our not communicating to you matters of interest, the appointment of the Gotiro or Regent, or the journey of the Tycoon to Miako, were subjects which we considered did not interest foreign Representatives.

The Chargé d'Affaires.—The Gorogio is mistaken. All matters which relate to changes in the Supreme Government, or place of residence of the Sovereign and his Court, are of the greatest interest to nations in friendly relations with each other; and I may further state, that in any other country but Japan, the foreign Representatives are often invited to accompany the Court when the Sovereign travels from the capital to other parts of his dominions.

The Gorogio.—We shall inform you for the future; but we had thought that the Governors of Foreign Affairs, whom we send to the foreign Ministers on matters of business, would have answered any questions which you put to them.

The Chargé d'Affaires.—The Governors are irresponsible agents, and their statements or answers might be disavowed, or otherwise, at the pleasure of the Gorogio. I do not doubt that they would listen and take note of all I had to say or ask upon any subject; but I should receive no information whatever from them in return, as the Gorogio is well aware.

The Gorogio here smiled in acquiescence.

The conference, which lasted five hours, now ended; when, after a conversation respecting passing events, recent inventions and discoveries in Europe, and of the cordial reception which the Japanese Envoys had met with in England, Her Majesty's Chargé d'Affaires took leave of the Ministers.

(Signed) EDW. ST. JOHN NEALE.

No. 39.

Lieutenant-Colonel Neale to Earl Russell.—(*Received November* 27.)

My Lord, *Yokohama, September* 12, 1862.

I HAVE the honour to inclose, for the information of your Lordship, a communication I have received from the Japanese Ministers, furnishing me with the result of the examination of the persons more or less concerned in the attack on Her Majesty's Legation at Yeddo on the 6th of June last.

Awaiting your Lordship's instructions and views respecting that occurrence, I have abstained from expressing any opinion to the Ministers as to the nature of the redress, or the degree of punishment to be awarded to persons implicated, which it was probable might be expected at their hands by Her Majesty's Government, although repeated efforts have been indirectly made to elicit some such expression from me. I look, indeed, upon the suspense and anxiety of the Japanese Government with regard to the ultimate result of this outrage, as carrying with it a degree of correction which the necessary delay in the receipt of your Lordship's instructions renders rather convenient than otherwise.

The meagre results of the examination of the guards in attendance on the occasion of the attack, as now communicated, and the nominal arrestations or imprisonments awarded, appeared to call for some remarks on my part, as the Gorogio might otherwise be under the impression that all further action on their part was unnecessary. I have therefore addressed to them a short acknowledgment, accompanied by a few observations in reply, a copy of which I have the honour herewith to inclose.

I have, &c.

(Signed) EDW. ST. JOHN NEALE.

Inclosure 1 in No. 39.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication.

We have had those persons well examined who were in any way connected with Ito Goonbay, who in the fifth month of this year (June 1862) stealthily found his way into your Legation, and murdered and wounded two sentries, but no participation has been discovered.

If the culprit were still alive, he would be condemned to death; but as he has already

committed suicide, we have given orders to cast away his corpse, and have condemned those to a proper punishment who were in any way connected with him.

To inform you of this we forward you three inclosures.

With respect and consideration.

6th of 8th month of 2nd year of Bung-kew (August 26, 1862).

(Signed WAKISAKA NAKATSOOKASA NO TAYU.
MIDZOONO IDZOOMI NO KAMI.
ITAKOOLA SOOWO NO KAMI.

MATSDAIRA TAMBANNO KAMI was entrusted with the protection of the temporary residence of the British Representative at Tozengee; but his retainer Ito Goonbay found his way there by stealth, and murdered the British (sentries), and moreover his other retainers who were subject to him (Tambanno Kami) and who were placed there for the said protection, failed to arrest the said Goonbay. All this proceeded from the insufficient instructions given by Tambanno Kami to his retainers. For this reason he was reprimanded for his neglect, and he consequently requested himself to be put under arrest; thereupon he was put under arrest as he had desired.

Me-yakay Onotaray, Goowaikokf-go-yo Sitsooyakf (body-guard to His Majesty the Tycoon, entrusted with the protection of foreigners).—Arrest during fifty days.

This man being at his post at the temporary residence of the British Representative at Tozengee, fought for a while with the culprit, and struck the latter's lance out of his hands when he found his way there. Although he (Onotaray) was wounded himself, yet it was not so serious that it incapacitated him from exerting himself, and although the lantern was gone out and it was dark in consequence, he ought to have had recourse to some means to ward off the pending danger; but deserting his post, he went to the watch-house and gave the alarm, and then lighting the candle of the lantern, he returned to the former place, all of which facilitated the escape of the culprit, and for this he was sentenced to the above-named punishment.

Nagai Yasootaro, Goowaikokf-go-yo Sitsooyakf (body-guard to His Majesty the Tycoon, entrusted with the protection of foreigners).—Arrest during fifty days.

This man being at his post in front of the room (of one) of the officers at the temporary residence of the British Representative at Tozengee, heard some one cry out in the garden and a gun fired; consequently he (Yasootaro) advanced on the baranda to ascertain whether there was any evil-disposed person there, but he returned to his former place because he could not see anything on account of the darkness of the night. Now although this did not take place at his own post, yet he perceived that on the spot not far from him some sad occurrence was taking place; notwithstanding this he did not hurry on to the spot in question, and for this he was sentenced to the above-named punishment.

Kalasawa Sodezo, Kawada Giboosanamon, retainers to Matsdairo Tambanno Kami.—Arrest during fifty days.

Watanabay Doyaymon, Takagee Gilalotaro (died in consequence of sickness), soldiers to Matsdaira Tambanno Kami.—Arrest during thirty days; the latter person would have been puninished in like manner had he not died.

These four persons were in the watch-house, but they did not perceive that the man named Ito Goonbay with a lance and a lantern in his hands, bearing the mark of their chief, and thus disguising himself and passing himself off as a relief, walked past that district under their care and murdered and wounded the British sentries, and in the confusion of the moment made his escape; therefore they have been sentenced to the above-named punishment.

Masakilsi (has died in consequence of sickness), servant to Matsdaira Tambanno Kami.—Would have been severely reprimanded had he not died.

This man was likewise in the watch-house, but he knew nothing of all that occurred, and therefore he was sentenced to the above-named punishment.

Saigo Moli-yay, Tomonali Kakoo-yaymong, retainers to Matsdaira Tambanno Kami.—Arrest during thirty days.

These two persons were in the waiting-place at Tozengee, but they knew nothing of the circumstance that Ito Goonbay committed the atrocious deed, because they were not attending to their duty, and therefore they were sentenced to the above-named punishment.

Genzabro, servant to Matsdaira Tambanno Kami.—Arrest during thirty days.

This man was in the servants' waiting-room at the place of protection, when the person who was carrying one of his Chief's lanterns and wearing the dress with his (the Chief's) crest, came up to him, and asked what was the parole for that night, saying that he had forgotten it. He, therefore, thoughtlessly told him it was "Tama," taking him for of the retainers who was on duty. Consequently he approached the British (sentries) with this parole, and murdered and wounded them. And for this he was sentenced to the above-named punishment.

Toyodzo, gatekeeper at the dwelling of the priests, at the Temple of Siba Nihon Endki.—Severe reprimand.

Ito Goonbay escaped through the gate where he was on duty, and he did not perceive it. And therefore he was sentenced to the above-named punishment.

Okamoola Kandzo, Takahari Tokidsai-yemdug, Sin-ya Enosookay, retainers to Matsdaira Tambanno Kami.—Arrest during fifty days.

To these three persons, who have always lived with Ito Goonbay, at the residence of their Chief, he (Ito Goonbay) told that he had killed and wounded foreigners, and that he had returned, because he himself had been wounded with a fire-arm; hereupon they committed this to the proper authorities, and kept watch over him. This being the case, they ought to have adopted means not to lose him out of sight, but they left him at liberty, because he pretended to be asleep. Owing to this he was able to commit suicide. And because they at first denied it, they have been sentenced to the above-named punishment.

Toyosima Hiloyemong, retainer to Matsdairo Tambanno Kami.—Arrest during fifty days.

This person immediately gave orders to keep a vigilant watch over those persons who had always lived with Ito Goonbay, and who had told him (Hiloyemong) that Goonbay had wounded and killed the foreigners, and had returned, because he himself had received a wound; but he (Goonbay) perceiving the carelessness of the watch, succeeded in committing suicide; and, besides, Hiloyemong from the beginning had recourse to covert arts: therefore he was sentenced to the above-named punishment.

Matakitsi, servant to Matsdaira Tambanno Kami.—Arrest during thirty days.

This man at the examination of Ito Goonbay's corpse, and at the investigation spoke (gave utterance to) improper expressions, and for that reason he was sentenced to the above-named punishment.

Asano Olisilo, Inooi Kadsooyemong, gatekeepers, soldiers to Matsdaira Tambanno Kami.

These two men were gatekeepers at the residence of Matsdaira Tambanno Kami and Ito Goonbay, when after having been wounded he returned, which, as gatekeepers, is acting contrary to their duty. In consequence of this, Matsdaira Tambanno Kami was instructed to punish them himself as he thought fit.

Inclosure 2 in No. 39.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, September 9, 1862.

I HAVE received and attentively read the communication you have made to me, together with the inclosures, forming the examination and punishments awarded to certain persons who were connected with the attack and murders committed at the British Legation on the 26th of June last.

As I have already personally stated to your Excellencies, there is nothing contained in the report of these examinations now made to me, sixty-five days after the act was perpetrated, which was not known to myself, to the Governors of Foreign Affairs, and to all others on the spot, the morning following the occurrence. The punishments alone are now made known for the first time.

No information whatever is afforded as to the motives which influenced the murderer, or the object he had in view.

In the examination of Okamoola Kandzo, Takahary Tokidsaï, Sin-ya Enosookay, it is stated that Goonbay told those persons with whom he lived that he had killed and wounded foreigners, and had returned because he had been himself wounded. It cannot be believed that he was not asked by them why he had killed and wounded the two sentries, how he did it, how he escaped through hundreds of guards already alert and sounding the alarm, with many other particulars which are still retained as a secret. Nothing is said in the Report as to what passed between the gatekeepers who, on his return, let him back wounded into the Daimio's house, what they asked the murderer, or what he replied.

These and the other examinations as reported, indicate a desire on the part of the authorities to communicate nothing but facts known to everybody. In respect to the several punishments awarded, and the proceedings in general adopted by the Japanese Government, consequent upon the outrage committed upon Her Majesty's Legation, I abstain from making any remark until I receive instructions from my Government, to whom the communication now under acknowledgment shall be forwarded.

(Signed) EDW. ST. JOHN NEALE.

No. 40.

Lieutenant-Colonel Neale to Earl Russell.—(Received November 27.)

(Extract.) *Yokohama, September* 14, 1862.

OUR commercial relations with Japan are necessarily so apt to be viewed as blended with the political incidents and scenes of outrage which have attended our intercourse with this country, that a feeling of discouragement, I am led to believe, prevails with some mercantile communities in England respecting the supposed want of success which has attended the trade carried on here by foreigners.

The monopolies and obstructions encouraged by the Government, and carried out, certainly, to some extent by the Custom-houses, have doubtless favoured these impressions.

I have deemed it, therefore, very desirable to arrive at a positive knowledge of the exact position of British and other foreign trade during the first six months of the present year, as compared with the first six months of the last.

Her Majesty's Consul at Yokohama has furnished me, at my request, with very complete comparative Returns of the trade of this port for the periods above referred to, which I have the honour to inclose.

I had, with this view, instructed Captain Vyse to issue a circular, calling for the expression of opinion on the part of British merchants established here in respect to the actual condition of trade.

This circular, of which a copy is also inclosed, has been responded to by letters from most of the merchants.

Your Lordship will observe that in the aggregate there is a moderate diminution in the imports, and a very considerable increase in the exports, over the corresponding period of last year.

That the amount of imports should be decreased is ascribable to the fact that the trade in staple articles of export from this country, especially in the case of silk and tea,

the latter of which goes almost exclusively in the end to continental markets, are more remunerative, notwithstanding all the difficulties of currency, to the British merchant.

The general character of the complaints set forth in the merchants' letters relates to currency, credit, non-fulfilment of contracts, local obstructions in respect to boats and coolies, and interference of the Custom-house with the free action of trade.

The general results, after passing all through these obstructions, are as seen in the Returns. It should, moreover, be kept in view that the obstacles enumerated, although they exist in reality, are not altogether unmitigated by counter advantages, or uncompensated by commercial arrangements carried out by foreign merchants long accustomed to the analogous situation of trade in the neighbouring Empire of China.

In conclusion, it remains for me to remark the fact shown by the Returns, that we have two-thirds of both the import and export trade of Japan with all foreign nations.

Inclosure 1 in No. 40.

Trade and Shipping Returns for the Port of Kanagawa, for the half-year ending June 30, 1862.

A RETURN of the Quantities and Value of Merchandize Imported into the Port of Kanagawa, in 14 British vessels of 4,391 tons, from the Countries and Places undermentioned, during the half-year ending the 30th June, 1862.

Denomination of Articles.	Quantities.	Whence imported.	Declared Value in Mexican dollars.
			$
Grey shirtings	1,394 bales		95,662
White shirtings	208 „		16,050
Dyed shirtings	106 „		12,462
Camlets	477 „		75,712
Cottons	131 „		13,969
Chintzes	128 „		12,594
Tafachelas	41 „		9,916
Velvets	66 „	Shanghae,	5,986
Woollens	63 „		8,610
Brocades	92 „	Singapore,	9,740
Medicines	134 piculs		570
Spelter, lead, and tin	1,759 „	and	53,579
Time-pieces	..		360
Long ells	19 bales	London.	1,996
Lastings	22 „		2,778
Provisions	..		900
Ivory	4 piculs		902
Tortoiseshell	5 „		2,501
Sapan wood	656 „		1,640
Sugar	500 „		2,980
Miscellaneous	..		2,103
	Total	.. ..	$ 331,110
	In Sterling at 4*s.* 2*d.* per dollar ..	.. ..	£ 68,981

British Consulate, Kanagawa,
July 28, 1862.

(Signed) F. HOWARD VYSE,
Her Britannic Majesty's Consul.

A RETURN of the Quantities and Value of Merchandize Exported from the Port of Kanagawa, in 15 British Vessels of 4,803 tons, to the Countries and Places undermentioned, during the half-year ending the 30th June, 1862.

Denomination of Articles.	Quantities.	Whither exported.	Declared value in Mexican dollars.
			$
Raw silk	3,617 piculs		984,732
Tea	15 231 „		168,392
Copper	1,672 „		24,161
Timber	12,300 planks		1,730
Lacquered ware, &c.			6,245
Oil	790 piculs		3,557
Seaweed	3,560 „	Shanghae,	5,140
Saltpetre	129 „		975
Paper		Hong Kong,	1,705
Wax	38 „		395
Isinglass	61 „	and	913
Gensing	6 „		837
Mushrooms	209 „	London.	3,270
Dried fish	1,364 „		8,500
Silk goods	3 boxes		635
Cotton	22 „		220
Medicines	34 piculs		168
Gallnuts	46 „		184
Miscellaneous			4,262
	Total	$	1,216,021
	In Sterling at 4*s.* 2*d.* per dollar	£	253,337

British Consulate, Kanagawa,
July 28, 1862.

(Signed) F. HOWARD VYSE,
Her Britannic Majesty's Consul.

A RETURN and Comparative Table of the Exports and Imports from and into the Port of Kanagawa, during the half-years ending June 30, 1861, and June 30, 1862.

IMPORTS.

1861.	£	1862.	£
In 20 British vessels	80,951	In 14 British vessels	68,981
In 8 American „	46,944	In 11 American „	35,471
In 3 Dutch „	16,284	In 2 Dutch „	9,346
		In 1 French „	9,747
In 31 vessels	144,179	In 28 vessels	123,545

EXPORTS.

1861.	£	1862.	£
In 20 British vessels	251,406	In 15 British vessels	253,337
In 10 American „	43,854	In 11 American „	48,022
In 2 Dutch „	12,429	In 4 Dutch „	45,084
		In 1 French „	5,723
In 32 vessels	307,689	In 31 vessels	352,166

British Consulate, Kanagawa,
July 28, 1862.

(Signed) F. HOWARD VYSE,
Her Britannic Majesty's Consul.

A RETURN showing the Amount of Exports and Imports from and into the Port of Kanagawa, by Nationality, during the half-year ending the 30th June, 1862.

IMPORTS in 28 British and Foreign vessels.	£	EXPORTS in 31 British and Foreign vessels.	£
By British merchants	86,808	By British merchants	253,649
By Dutch „	30,193	By Dutch „	56,608
By American „	5,872	By American „	23,175
By French „	672	By French „	18,734
Total	123,545	Total	352,166

British Consulate, Kanagawa,
July 28, 1862.

(Signed) F. HOWARD VYSE,
Her Britannic Majesty's Consul.

Inclosure 2 in No. 40.

Lieutenant-Colonel Neale to Consul Vyse.

Sir, *Yokohama, July* 26, 1862.

TWELVE months have now elapsed since, under the directions of Her Majesty's Envoy, you obtained from some of the principal members of the British mercantile community at this port an expression of their views relative to the business obstructions imposed by the Japanese Government which weighed against a free development of foreign trade.

Some of these I am willing to believe have been partially or altogether removed; but notwithstanding the extension of trade brought about by the well-known enterprize and perseverance of British merchants, many serious restrictions are, as I am informed, still directly and indirectly adopted by the local authorities, which it is my anxious desire to call upon the Japanese Government to discontinue, and to bring under the urgent notice of Her Majesty's Government.

To enable me to frame my representations upon the subject as closely as possible in conformity with the real facts and exigencies of the case, I deem it to be highly desirable that you should address a circular letter to the chiefs of the mercantile establishments residing within your jurisdiction, with the object of obtaining their views in writing respecting the workings of foreign trade during the interval which has elapsed since the last inquiry of this nature referred to.

The object I have at present in view is to arrive at just conclusions respecting the real and general situation of British trade in Japan, as derived from the experience of those most immediately interested, apart from minor or personal grievances; and when such is attained, to be guided in my course accordingly.

I have, &c.

(Signed) E. ST. JOHN NEALE.

Inclosure 3 in No. 40.

Circular addressed by Consul Vyse to British Merchants at Yokohama.

Sir, *Yokohama, July* 28, 1862.

I HAVE been instructed by Her Majesty's Chargé d'Affaires to communicate with the British mercantile community established at this port, for the purpose of eliciting from the heads of firms the expression of their views in writing respecting the workings of foreign trade as at present conducted under the surveillance of the Japanese Government, and especially the Custom-house authorities.

One object of this inquiry on the part of Her Majesty's Chargé d'Affaires is to ascertain the real situation of British trade, as derived from the practical experience of those most immediately and personally interested.

It is not essential to seek information respecting the extent or growth of commercial operations since the inquiry of this nature in August last, as this is derivable from ship's manifests; but Her Majesty's Chargé d'Affaires is anxious to be exactly and correctly informed as to the real obstructions and restrictions, or other means directly detrimental to the permanent interests of commerce, to which merchants are now subjected by the action of the Japanese Government; what facilities have been accorded or difficulties removed during the last twelve months; what direct or indirect obstructions (if any) have been additionally imposed during the same period. Such observations as you may deem it necessary to make upon these points will, for obvious reasons, be more practically useful to Her Majesty's Chargé d'Affaires, while dealing with them, in proportion as you are enabled to accompany your statements with facts which cannot be fairly questioned by the local authorities, although proof might be difficult of attainment.

I have, &c.

(Signed) F. HOWARD VYSE.

Inclosure 4 in No. 40.

Mr. Bell to Consul Vyse.

Sir, *Yokohama, August* 2, 1862.

I HAVE the honour to acknowledge the receipt of your letter of the 31st ultimo respecting the progress of trade at this port during the past twelve months.

I have but a very brief answer to make to your inquiries.

I have myself no complaint to make against the Japanese authorities, so far as trade is concerned, nor do I think there is any great change to note.

I think the business of the past twelve months has given evidence that no great restrictions are imposed by the authorities on their subjects as far as the export trade is concerned, and from many inquiries from various sources, I believe there are good grounds for stating that a vast impulse has been given to the production of both the staple articles of produce, and that the current year will afford striking evidence thereof.

I think we have reason to be satisfied so far as we have gone, and to anticipate an immense increase in the commerce of the country, more especially if the opening of the great trading city of Osaca be carried out.

I have, &c.

(Signed) F. H. BELL.

Inclosure 5 in No. 40.

Mr. Loureiro to Consul Vyse.

Sir, *Yokohama, August* 2, 1862.

IN reply to your letter dated July 31st, requesting me to furnish you with my views respecting the present system of trade carried on by foreigners, and the progress that has been made towards rendering commercial intercourse more convenient to foreigners at this port, I beg to say that there does not appear to me to have been any improvement at all.

Almost without exception, the native merchants seem inclined in every way and very anxious to do business with foreigners, unless they have been prejudiced against any particular one, but the very fact of knowing that they can violate all laws of honesty without any material interference on the part of their own authorities renders them perfectly safe, and gives them free license to carry it to any extent.

I need but bring a few of the many cases that have been brought to the notice of the Custom-house authorities, and the very little satisfaction that has been obtained, as the time and trouble they have cost you would be sufficient to bring them to mind. One occasion when I bought a parcel of silk from a merchant and the Custom-house authorities positively refused to take any steps towards assisting me, unless I deposited the dollars and had the silk weighed in the native shop, a proceeding that has never yet taken place, and which I refused to do, simply because it would lead to a bad system of allowing the native merchants to have their own way in any transaction, and there is no knowing to what extent it would be carried. Also the conclusion to which the Governor of Yokohama came regarding my transaction with Joshoyeh, and the aversion they have shown to make any just settlement of the affair, notwithstanding that the Custom-house officers assured me so positively that the silk Joshoyeh then had in his shop could not be removed without their knowledge; but it was removed, and there is not the slightest doubt that it was taken away with their entire approval. Also the time, trouble, and annoyance I put you to in order to get my house completed, the facts of which I need not repeat—in this case the very mention is quite sufficient; I will merely say it ought to have been finished about August 1861, and it still remains in an unfinished state, though almost daily application is made to the Custom-house authorities, but without effect. And last, though not least, of all, is the time and bother it takes to obtain a permit to land and ship cargo; and sometimes occupies more than half the day before goods can be passed through the Custom-house. In conclusion, I may say that the Custom-house officers do nothing at all to assist merchants, and seem to take a pleasure in retarding them as far as it lays in their power. These, certainly, are not characteristics of much improvement being made towards facilitating commercial intercourse.

I have, &c.

(Signed) E. LOUREIRO.

Inclosure 6 in No. 40.

Messrs. Macpherson and Marshall to Consul Vyse.

Sir, *Yokohama, August* 5, 1862.

WE duly received yours of the 31st ultimo, and beg to thank you for the opportunity afforded us of expressing our opinion upon the difficulties of trade in Japan. At the same time we may remark that this question was so freely discussed in February last year, as to leave little to be added to the Report of the Committee formed for the expression of the community's views on this point; and so far as we are aware, with the single exception of increased wharfage accommodation, not one of the obstacles to trade then complained of has been removed.

That the Custom-house authorities do interfere with trade we have no doubt, and we may particularly instance the two articles of copper and cocoons; but it is difficult, if not impossible of proof; and we would particularly confine ourselves to the cargo-boat and coolie system, and to the total want of means of enforcing contracts.

Both cargo-boats and coolies are in the hands of people appointed by the Custom-house authorities; of this we do not complain, thinking it some protection against theft: but we do think that if the authorities take these matters into their own hands, preventing any competition, they are bound to provide both boats and coolies sufficient for the requirements of the trade, and this we contend they do not.

Twice the present number of cargo-boats should be provided, and a part, if not all, have covers sufficient to protect the property from damage. The coolies can only be engaged through coolie-masters, who arbitrarily fix rates entirely out of proportion to the wages known to be paid to the coolies; coolies cannot be obtained frequently when much wanted, but only at the will of their masters, the slightest disagreement with whom causes a total cessation of supply. To the system of coolie-masters we do not object; but we think they should take care that at all times the supply of coolies should be fully adequate to the demand, and that the charges made should bear a more equal proportion to the wages paid.

On the non-observance of contracts we have little to say, excepting that this is one of the greatest obstructions to trade; for knowing the impossibility of compelling a Japanese to observe a contract, we have avoided making any, and therefore cannot bring forward any proof.

We have, &c.
(Signed) MACPHERSON AND MARSHALL.

Inclosure 7 in No. 40.

Mr. Boyle to Consul Vyse.

Sir, *Yokohama, August* 6, 1862.

I HAVE the honour to acknowledge the receipt of your letter of the 4th, requesting me state if, to my knowledge, there exist any obstructions or restrictions detrimental to the permanent interests of commerce either on the part of the Japanese Government, or on that of the Custom-house authorities, and if any facilities have been accorded or difficulties removed during the past twelve months.

In reply, I beg to state that I know of no positive or absolute restriction on the part of the Japanese authorities; but there is exercised by them such a rigid surveillance over every act of trading of the Japanese merchant, in requiring him to bring samples of his purchases, before taking delivery, to the Custom-house authorities for approval, as well as prohibiting him from allowing the foreigners to import produce which he may have for sale in his godown till the same has been first examined and passed by the yaconins (although each package of such produce may bear the Government or Yeddo stamp or label), that it constitutes an "interference."

These acts may be necessary for the purpose of collecting revenue, or the local tax, which all transactions are subjected to, exclusive of the import and export duties, levied by the Treaty Tariff.

Secondly. There is no improvement to note for facilitating or expediting business at the Custom-house, or has there been any modification of those obstacles or drawbacks on trade which were embodied in a public document bearing date February or March 1861, addressed to you as Her Majesty's Consul.

The currency or coinage is a monopoly, yielding great profit to the Government, by

reason of the arbitrary depreciation of the dollar compared with the itzebou, at such times most profitable for the exercise of its privilege or power, as an instance, just now. The late heavy imports of specie (dollars) in payment of silk purchases, coupled with the well-known fact that the Japanese merchants are compelled to get their dollars exchanged into itzebous, at once induced the Treasury to depreciate the dollar a further 10 per cent. within a few days, making in all a difference or profit of 30 per cent. on the intrinsic value of the dollar as compared with itzebous, "weight for weight."

This act tends to raise the value of all produce, and by so much checks the ability of the Japanese merchant to sell, except at such an advance in dollars as will yield him, when exchanged at the Government Treasury, the required sum in Japanese currency.

While this monopoly exists, the dollar can never become current in the interior, or find its proper level or value among the merchants as was hoped, not being allowed to possess a standard of value in its relative ratio, as does the itzebou, into which we are led to believe all imported specie is coined, as none has been re-exported.

I have, &c.

(Signed) J. H. BOYLE.

Inclosure 8 in No. 40.

Mr. Hooper to Consul Vyse.

ir, *Yokohama, August* 6, 1862.

I HAVE the honour to acknowledge receipt of your letter of the 31st ultimo, and beg to tender thanks for the opportunity afforded of expressing my views as regards the working of foreign trade at this port, especially with respect to the interferenee and action of the Japanese Government and Customs authorities.

This subject was so fully gone into in February last year by a Committee appointed for the purpose, that it will, I presume, be sufficient and meet the object in view to simply recapitulate the different restrictions and obstructions then set forth, and which, with the exception of the prospect of increased wharfage accommodation, still exist; my experience not leading me to notice any additional obstructions or matter of complaint. I refer more particularly to difficulty of enforcing the observance of contracts, interference by the Customs authorities in the sale of produce, especially copper and cocoons, delay and absence of system in transacting business at the Custom-house, insufficient supply of cargo boats, difficulty of obtaining coolie labour, and exorbitant charge for the same.

I have, &c.

(Signed) H. J. HOOPER.

Inclosure 9 in No. 40.

Messrs. Hughes, Willgoss and Co., to Consul Vyse.

Dear Sir, *Yokohama, August* 6, 1862.

WE have received your communication of the 31st ultimo, and, as desired, shall be happy to state our views on the real situation of British trade, for the consideration of Her Majesty's Chargé d'Affaires.

Touching the great point as to obstructions and restrictions detrimental to the permanent interests of commerce, we beg to say that we cannot account for the present state of things otherwise than upon the supposition that foreign trade is under Government direction and Government control.

The condition of British trade at the present time presents peculiar advantages to the Japanese.

In consequence of the falling-off in size or fineness of Chinese silk during the past two or three seasons, Japan silk—the most valuable production of the country—is in great request in the London market, and the demand for it here is so active, and prices so high, that our belief is, if the silk-exporting power of Japan be anything like what is represented, the export might be more than doubled in a year were its producers free to bring their stock to this market.

It is estimated—we cannot say how correctly—that the annual produce of silk in this country is about 70,000 piculs. Yet although the Japanese have customers knocking at their doors, anxious to buy more than they have, and willing to pay the prices they ask for it, not more than one-eighth of this quantity is sold for exportation. A people so keenly alive to their own interest as the Japanese would doubtless sell their

produce in the dearest market, or in other words to the foreigner, if they were not prevented from so doing, or if they were not deprived of a large portion of the profit arising from the transaction, or both. Yet we see what is apparent in no other commercial country, that even under the strong inducement of an active demand and high prices, the bulk of the silk crop does not find its way to the export market.

It seems to us, therefore, that the Government take the most effective measures to keep British trade down. On one side they stop the silk, and on the other they mulct its producer about 30 per cent. of the value of what he sells here by the depreciation of the Mexican dollars he receives in exchange for it. It is not easy to account for these two courses. If the Government will participate largely in the profits of foreign trade, why will they not allow that trade to rise to a scale something like what Nature intended it?

Our opinion is, that the restoration of the Mexican dollar to the weight for weight, or equivalent value, as stipulated by Treaty, would be highly beneficial to British trade. It might result in no advantage to the exporter, but it would increase the profits of the producer about 30 per cent., and thus stimulate his productive powers, and induce him to bring his produce to the export market for sale here, rather than dispose of it for home consumption.

As to the effect which the measure would have upon the import trade, we believe if the country were opened, and the people free to buy our goods, that British manufactures would make way, and undersell native manufactures without the aid of a depreciated currency. It has been said that the depreciation of the Mexican dollar caused the demand for British manufactures, but the depreciation of the Mexican dollar is maintained, and the import trade does not increase much. It does not increase, because the Government probably wish the dollars not laid out in the purchase of goods, but paid into the Treasury so that they may pocket 30 per cent. of the amount.

We are not aware that any facilities have been accorded or any difficulties removed in the past twelve months, nor is there any change for the better to notice at the Custom-house. The tariff of duties requires revision and amendment, and drawbacks ought to be allowed on re-exports. To refuse to return duties on goods sent back is to act contrary to the principle and practice followed by all commercial countries.

We observe Admiral Hope wrote home to the Admiralty that it appears highly probable that all the silk and tea available for exportation finds its way by the coasting trade from Hiogo and Osaca either to Yokohama or Nagasaki.

On this subject the Admiral seems to have been strangely misinformed. By the opening of Osaca and Yeddo we should obtain enlarged markets, and greater facilities for prosecuting a legitimate trade, to the increasing benefit of both natives and foreigners; but so long as the principal ports of the empire are sealed to us, our commercial relations will be on an unbecoming and unsatisfactory footing.

We have, &c.
(Signed) HUGHES, WILLGOSS & CO.

Inclosure 10 in No. 40.

Messrs. Tatham and Co. to Consul Vyse.

Sir, *Yokohama, August* 11, 1862.

WE have the honour to acknowledge the receipt of your letter of the 31st ultimo, requesting information as to the position of foreign trade at this port.

We are not aware that during the past twelve months any facilities have been afforded, and we cannot positively assert that any obstructions have been imposed, although it is our opinion that the Japanese merchants act directly under the influence of the Government; and no contract either to buy or sell can be entered into without the merchant first obtains the sanction of the Custom-house authorities, which we conceive to be most prejudicial to the commercial interests of the Settlement, and in direct opposition to the spirit of the Treaty.

We have, &c.
(Signed) TATHAM & CO.

Inclosure 11 in No. 40.

Messrs. Aspinall, Corns and Co., to Consul Vyse.

Sir, *Yokohama, August* 11, 1862.

IN reply to your letter requesting to be furnished with our opinion respecting the working of foreign trade, as at present conducted under the surveillance of the Japanese Government and Custom-house authorities at this port, we submit it with diffidence, having no facts to adduce in connection with what we conceive to be restrictions, nor can we positively assert that impediments to the development of trade are actually imposed by the native Government. Many circumstances have, however, come to our knowledge which lead us to opine that a powerful influence has been exercised by the Government, greatly prejudicial to foreign interests.

Many grievances connected with mercantile matters have already been brought to your notice, and few, if any, of these have yet been redressed. We point to the non-fulfilment of contracts, the many petty annoyances connected with the Custom-house mode of transacting business, and the subject of drawbacks on goods re-exported from this place; the demand also of the Custom-house for payment of duty on articles imported solely for the safe packing of Japanese produce to England and China, such as leads for tea-chests, mats for packing silk, &c.

Another serious impediment to business is the monopoly of boat and coolie hire by the authorities; both are inadequately furnished, and in many instances shippers of produce have been compelled to leave their goods at night on the "hatoban," exposed not only to the inclemency of the weather, but to pilferage, and in many instances have suffered from both causes.

We cannot now call to mind any further obstructions of importance; and as regards restrictions imposed upon trade, we can offer no opinion having no facts to adduce, though we fully believe that the Government seriously interferes in the extension and development of trade generally.

Thanking you for allowing us to give expression to our sentiments on these matters, we are, &c.

(Signed) ASPINALL, CORNS & CO.

Inclosure 12 in No. 40.

Messrs. Ross, Barber and Co., to Consul Vyse.

Sir, *Yokohama, August* 12, 1862.

WE have the honour to acknowledge the receipt of your communication of the 31st ultimo, desiring us to lay before you our views respecting the working of foreign trade, as at present conducted under the surveillance of the Japanese Government, especially the Custom-house authorities; also to state what facilities have been accorded or difficulties removed, and on the other hand what restrictions exist, or have been additionally imposed during the last twelve months.

In reply, we beg to say that we fully believe that all transactions with foreigners are known, and have to be declared by the native merchants to the Custom-house authorities, but we are unable to prove that any measures are taken by them to check a free commercial intercourse, neither are we aware of any facilities having been accorded, or additional restrictions imposed during the last twelve months.

Thanking you for this opportunity of expressing our views on this subject, we have, &c.

(Signed) ROSS, BARBER & CO.

Inclosure 13 in No. 40.

Mr. Young to Consul Vyse.

Sir, *Yokohama, August* 22, 1862.

I BEG to acknowledge the receipt of your communication dated August 1862, requesting me to furnish his Excellency Her Britannic Majesty's Chargé d'Affaires with data regarding the interference which the Japanese Government seems to exercise upon foreign trade at this port.

I beg to state that in my position as a merchant it is difficult to supply his Excellency Her Britannic Majesty's Chargé d'Affaires with proofs of the interference of the

Japanese Government, but I think that facts might be brought to light which would enable his Excellency, in his capacity as a high official, to draw conclusions which might lead to the removal of obstructions which now seem to prevent a free development of commerce at this port.

In the first place, I would bring under his Excellency's notice the great discount at which our only importable medium of exchange, viz., the Mexican dollar, is liable to at the present time. To-day 100 Mexican dollars can only be exchanged for 205 itzebous, while the intrinsic value of 100 Mexican dollars is 311 itzebous, thus showing a depreciation of our import medium of exchange of nearly 50 per cent. It is clear that such a state of things must materially enhance the price we have to pay for all articles of export, as the same have to be purchased in the country for itzebous. It even seems to be apparent that many articles of export, as for instance, seaweed, cuttlefish, vegetable-wax, and numerous other articles of the same description which formerly formed a large branch of our export trade, are not now any longer offered in this market for sale.

On a former occasion it seems to have been the idea of the majority of this mercantile community that it would be better to allow this currency question to find its own level, wishing the Mexican dollar to become a medium of exchange in the producing districts of this country, and anticipating that our import trade would be benefited by a higher rate of itzebous in the same ratio as the price of our articles of export would be enhanced thereby. This, however, seems now to have been a misconception, as during the last month itzebous have risen in value about 10 per cent., which therefore makes all our articles of import 10 per cent. cheaper to the purchaser; but this large reduction on the very moderate prices now ruling in this market for imports has not created any extra demand: therefore from a commercial point of view the present state of the itzebou question must appear detrimental to trade, while from a political point of view it must seem equally disadvantageous, as it must establish ultimately a very large balance of trade in favour of the country we now have to deal with.

A second point which I would beg leave to bring under the notice of his Excellency is the apparent irresponsibility of the Japanese merchant.

In innumerable cases Japanese merchants have entered into contracts with foreigners as well for the purchase of imports as for the delivery of exports, on which large amounts of contract money have been paid by the foreign contractors, which contracts have not been fulfilled, and in some cases considerable amounts of money which had been entrusted to Japanese merchants for the purchase of produce in the country have been stolen, and no redress could be obtained from the Japanese Government, while on the other hand foreign merchants are bound to fulfil in full all their engagaments by the laws of their respective countries. It has on all occasions been stated by Japanese officials that the Japanese merchant is a disreputable character, but this statement cannot possibly be accepted when we see that every day large amounts of valuable produce, for instance, silk, is entrusted to them by their own countrymen.

It seems to be a fact that all the native merchants at this port are merely acting as brokers of larger mercantile establishments in the interior. Should this be the case, it would be desirable that this more influential and respectable body of merchants could be brought into more direct contact with foreigners, which no doubt would be the case if certain monopolies which seem to be the privilege of some Japanese merchants who act as Government agents were done away with. This object would no doubt be attained if the Government was held equally responsible for the fulfilment of contracts as the other Powers in Treaty with Japan must consider themselves by the laws of their respective countries.

Having now stated what appear to me to be the two great obstructions purposely placed in the way of foreign trade by the Japanese Government with a view to check the free development of commerce, I would beg in conclusion to remark that there are other complaints which may reasonably be made against the native authorities, as, for instance, the almost total disregard for municipal obligations as regards the health and welfare of this settlement, the highly unsatisfactory system foreigners are obliged to pursue in landing and shipping goods, the insecurity of goods while in the wharf godown, and the undefined responsibility of the Custom-house authorities with regard to the same in case of loss; the dilatory manner of conducting business at the Custom-house; the habitual interference with the employment of Japanese servants by foreigners. But these are matters of less importance, and come under the head of local difficulties, which would probably soon cease to exist as soon as the broader questions of currency and credit are n a satisfactory position.

I have, &c.
(Signed) JAMES MURDOCH YOUNG.

Inclosure 14 in No. 40.

Mr. Gower to Consul Vyse.

Sir, *Yokohama, September 5, 1862.*

A PRESSURE of business has hitherto prevented me from answering your circular of the 31st of July, requesting merchants to express their views respecting the working of foreign trade as at present conducted under the surveillance of the Japanese authorities. The objections to the system are so extremely numerous that the mere touching on a small portion of them would far exceed the mere limits of a letter; for it would be difficult to find any transaction, either in business or otherwise, where foreigners and natives are concerned, where the influence or interference of the Japanese Government is not perniciously felt, though in most cases they interfere in such a covered and concealed manner, and guarded by such tissues of falsehood, that it is totally impossible, from the fear the natives have of the officials, ever to prove anything clearly against them.

There are, however, one or two points to which I might call your attention, though it is scarcely necessary, as the facts must be as evident to yourself and all the other Consuls as they are publicly known and complained of by the mercantile community. I allude to the Government monopoly as regards cargo-boats, boatmen, and coolies; and the fact of their keeping such a limited quantity as to be quite insufficient for the purposes of trade, so that when there is any pressure to load or discharge any vessel, a single firm could easily give employment to the whole lot, and thus leave the rest of the community without the means of either shipping or landing their goods; or, as is at present the case, the merchant finds it impossible to obtain the quantity adequate to his requirements, thereby giving rise to endless trouble and vexation, and no small inconvenience and detriment to his business. Even the cargo-boats provided are open, and totally unadapted to the carrying to and fro any valuable goods liable to damage either from spray or rain, for they have no covering, and are not even provided with tarpaulins; the consequence is, that in case of any sudden shower of rain (a circumstance by no means rare here), goods that have been taken to the wharf for shipment, or have already been put on board the boats, have to be carried back with all possible expedition to some place of shelter, which it is seldom possible to do without additional expense; whilst many goods are of a nature to suffer materially from this frequent handling and moving.

The interference of the Tycoon's Government with regard to foreign trade is apparent from the fact that no Japanese can enter Yokohama, or have any commercial intercourse with any foreigner, without the permission sought and obtained from the officials, who take a note of any goods he may bring, of any business he transacts, and then claims an exorbitant per-centage or squeeze, which is not only in the greatest possible degree detrimental to trade, but the severest possible check to its fair and natural development. It has even come to my knowledge that Japanese in the employ of foreigners are obliged to pay to the Government more than one-half of their salaries; but, as I have before stated, such is the fear of the lower classes for the officials that they dare not come forward as witnesses to prove this, though the fact is well known to many residents here.

Some facts have lately come under my own personal notice, which convinced me that many of the reports spread, about the generality of Daimios being inveterately opposed to foreigners, are utterly false, and are set on foot by the Government for the express purpose of preventing any possible intercourse with them, and guarding the more jealously the monopoly of foreign trade which the Tycoon enjoys, to the detriment of these independent Princes, who are most anxious to have a share in it, and naturally to the great prejudice of trade, which would be immeasurably increased were it thrown open to all alike.

The agent of one of these Princes came not many months ago to my house, and stated that his master was anxious to purchase a vessel, but did not know how he could manage to get on board to look at her, as, were the Government officials to know anything about it, he would get into trouble, and they would prevent his going and examining her; at length, although an officer himself, and with considerable powers from the Prince who sent him, he had to disguise himself as a common coolie taking on board some baggage, in order to accomplish his object.

This has happened in more than one instance, for on another occasion two officers came who wanted to see another vessel, and had to disguise themselves as carpenters to attain their object.

These instances are, in themselves, sufficient to show how extremely jealous the Tycoon's Government is of foreigners coming into contact with any of the independent

Princes, and their only motive can be to keep to their own benefit the monopoly they at present enjoy.

The agent of one of the most powerful Daimios actually came and told me that his master (who has always been reported to be one of the greatest enemies to foreigners) was, on the contrary, most anxious to have friendly and commercial relations with us; gave me a regular list of the produce of his dominions, and stated he would send down from Yeddo one of his commercial agents to treat with me, and invited me to send vessels to Osaca, where the bulk of his produce was stored, and to several other ports which he named, in order to do business together, and was much disappointed when I informed him that such a proceeding was contrary to the existing Treaty with Japan; and he went on to inform me that he was willing to make a sort of agreement, or Treaty, in order to be able to have commercial relations with foreigners, as well as the Tycoon, telling me at the same time that I had nothing to fear, as none of the Tycoon's officials were permitted to enter his master's dominions, which is strong evidence that the Tycoon has made a Treaty merely for his own benefit, and in order to monopolize the enormous harvest which he reaps from it, and was only too glad to find any pretext or excuse for preventing any more ports from being opened, whereby much of the profit which now flows into his own coffers would have been shared by some of his powerful neighbours.

I do not feel at liberty to mention the names of any of those from whom I have learnt these facts, as the doing so might cause trouble to them; but I might go on enumerating many more instances where the interference of the Government is prejudicial to the natural development of trade, were it necessary. The great inconveniences and endless troubles arising from their present system, and particularly their monopolizing all the coolie labour and the means of transit, and the other minor auxiliaries by which business is carried on, are too well and publicly known to require to dwell further on them.

Another point which might be worthy of your consideration, is the much-discussed itzebou question, whereby the Government, by merely keeping back the supply requisite for commercial purposes, are able to regulate at their pleasure and to their own advantage the value of dollars, to the great detriment of the export trade, and extreme disadvantage of the great bulk of foreigners, who are principally dependent on small incomes or salaries (without the benefits of commerce) which, at the present rate of exchange, are reduced about one-third; that is to say, they can obtain for their incomes, which are generally calculated in dollars, only two-thirds, or thereabouts, of what any official with the same income can obtain, from the fact that the latter only are permitted to exchange their dollars according to Treaty. It has been stated that the present system is in favour of imports; this I admit, for as natives make their calculations in the currency of the country, they can well afford to pay a larger number of dollars for an article, if they can first obtain those dollars for about two-thirds of their actual value; but the very contrary is the case as regards exports, for if the dollar is only worth to them as above, and they require a certain number of itzebous for the article they have for sale, as a very natural consequence they must get a proportionately larger number of dollars to make up the price required: therefore, granting that imports are benefited, exports are prejudiced, and as the latter exceed the former to an enormous extent, which is proved beyond the power of contradiction by the millions of Mexican dollars which are brought to this country and invested, and which would not be the case were the import trade equal to the export, it is evident that the present system is prejudicial to trade.

It has also been said that the dollar will find its own level, but it is much more natural to expect that goods will find their own level if the currency is placed on a fair basis, such as weight for weight, and not interfered with by Government, than to expect dollars can do so whilst the Government has the power to make from 25 to 40 per cent. by merely melting and re-coining them, and regulating at its own pleasure their value, by the issue of an insufficient quantity of itzebous, and is consequently so deeply interested in keeping down their value to as low a figure as possible.

Another point which perhaps requires more immediate attention than any other is the proper drainage of this Settlement. We pay a ground-rent which is unparalleled in any other part in the East, it being more than eighty times what is paid in Shanghae; for this we are promised that "the streets, roads, and jetties will at all times be kept in thorough order, and sewers or drains will be made when necessary by the Japanese Government, and no tax will be levied on renters in the foreign quarter for this purpose;" but no steps have yet been taken to carry out this agreement, though great care is taken to collect the rent, and surely now that we have the evidence daily before our eyes, by the great mortality, where drainage is most required, there can be no longer any plausible excuse for not putting the promised system of drainage into execution.

I might touch upon many other points not only to prove the continual interference

of Government with trade, but also to show that they are ever ready with some plausible excuse to evade the carrying out their part of the agreement, whilst foreigners are obliged to carry out theirs to the very letter; but I do not wish to take up more of your time, as I have already enumerated quite sufficient to show that their system is a bad one, and one which can never benefit commerce.

I have, &c.
(Signed) S. J. GOWER.

Inclosure 15 in No. 40.

Mr. Clarke to Consul Vyse.

Sir, *Yokohama, September* 13, 1862.

DURING a residence of nearly two years at this port, and with a full recollection of the elaborate report which was drawn up on the 9th February, 1861, by Messrs. Keswick and others at the instance of Mr. Alcock, I have failed to discover that any remedy has been applied to lessen the grievances then complained of, and which were comprised as follows:—

1. Currency.—I still remain of the same opinion that the heavy depreciated value of foreign coin would restrict the export, without being (as was anticipated) of material benefit to the development of the import trade.

2. Contracts.—The same want of good faith on the part of their authorities which leads one frequently to a conviction that they are *particeps criminis*.

3. Official interference with merchants in disposing of produce.—Is as active as ever, but proofs are difficult to produce.

4. Want of system at Custom-house, and inadequate wharfage accommodation, &c.—No change for the better as regards the despatch of business by the Custom-house staff. Constant difficulties as to cargo-boats and carrying coolies, solely arising from the continuation of the system of monopolies.

In conclusion, I beg to observe that the above is written solely to comply with your request, and not with any impression that it can strengthen your position to obtain redress by diplomatic means,—which have been already tried without success, and may still be continued, but without good result in Japan.

I have, &c.
(Signed) EDWARD CLARKE.

No. 41.

Lieutenant-Colonel Neale to Earl Russell.—(Received November 27.)

My Lord, *Yokohama, September* 15, 1862.

IT becomes my painful duty once more to lay before your Lordship the details of the barbarous murder of another British subject, Mr. C. L. Richardson, a merchant residing at Yokohama, and the desperate wounding of two other British merchants, Mr. W. Marshall and Mr. W. C. Clarke, both also of Yokohama.

The gentlemen above-named yesterday, the 14th instant, accompanying Mrs. Borrodaile, the sister-in-law of Mr. Marshall, proceeded on a riding excursion upon the Tokaido, or high road, which leads to Yeddo, but within the limits as to distance assigned by Treaty. Having passed Kanagawa, they met the numerous cortège of some high personage, since known to have been the uncle of the Prince of Satzuma. They were summoned to withdraw from the high road, which, as the survivors depose, was done by their drawing completely off the side of the road. The head of the cortège appears to have passed on, but those who followed barbarously attacked Mr. Marshall and his companions. Messrs. Marshall and Clarke were very severely wounded, the latter gentleman being likely to lose an arm; Mr. Richardson, nearly cut to pieces, fell from his horse, and while lying in a dying state, one of the high officials of the cortège, borne in a chair, is stated to have told his followers to cut the throat of this unfortunate gentleman. The lady (Mrs. Borrodaile) though cut at, herself miraculously escaped unwounded, never drawing rein, and in an exhausted and fainting state she reached Yokohama. The wounded gentlemen found shelter in the Consulate of the United States at Kanagawa, and were subsequently brought over by boat the same night. The body of Mr. Richardson was also found, and brought here for interment.

Such are briefly the particulars of this tragic occurrence. I am unable by this occasion, owing to the departure of the mail, to enter into more minute details.

I have addressed the Japanese Ministers respecting the event, and have the honour to lay before your Lordship a copy of my letter. I also annex a copy of a letter which I had received from them yesterday, with my reply.

On the same evening of the sad occurrence which I have recorded, Her Majesty's ships "Euryalus" and "Ringdove," the former bearing the flag of Admiral Kuper, came into port. The Admiral will remain here, as I am informed, some time. Her Majesty's ships now in port are in sufficient force, and comprise, in addition to the "Euryalus," the "Centaur," "Ringdove," and "Kestrel." No apprehensions are therefore entertained for the safety of this settlement from attack of any hostile bodies, should any such fears have been entertained.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 41.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, September 15, 1862.

I HAVE once again loudly to seek redress at the hands of the Tycoon's Government for a most barbarous outrage committed upon British subjects yesterday evening, resulting in the murder of one gentleman, and the wounding of two others, by lawless and insolent assassins, forming the attendants of the father of the Prince of Satzuma. Your Excellencies are doubtless already well acquainted with the particulars, and have been informed of the persons who have committed this atrocious deed, but it is essential that I should here briefly record the principal facts.

Three gentlemen, Messrs. Marshall, Clarke, and Richardson, yesterday in the forenoon, accompanied a lady, Mrs. Borrodaile, for a ride on horseback towards Kawasaki. They went on the Tokaido, within the limits they had perfect right and liberty to go. A few miles beyond Kanagawa they met a cortège attending a personage since known to be the uncle or Regent Prince of Satzuma. They were insolently directed to withdraw; to avoid any outrage, they did so. They were then barbarously attacked, when the lady alone miraculously escaped, though cut at and pursued by these assassins. Two of the gentlemen, Messrs. Marshall and Clarke, received desperate wounds; Mr. Richardson was cruelly butchered, and though on the ground and dying, or dead, by orders of a superior officer in a norimon, his throat was cut. The cortège, with the cruel chief whom it surrounded, went on its way.

I need not waste time to declare to your Excellencies, that ample reparation, such as will resound throughout Japan, will be sought at the hands of the Tycoon's Government, by the Government of Her Britannic Majesty, for the accumulated outrages of which British subjects are the victims, not by the hands of the peaceable inhabitants of this country, but of lawless and murderous guards invested with authority, for whose acts those in authority over them must answer, as well as the base officials they employ. I have to call upon your Excellencies to note the next fact. I was yesterday informed by you that this day, the 15th of September, the envoy of the Mikado would leave Yeddo on his return to Miako, and that you wished I would give the necessary instructions that British subjects should not frequent the Tokaido on that day and the following one. I had hardly time to reply, but I did so immediately, and the inclosed was my answer; it was about being translated into Dutch, when the atrocious outrage was committed even on the day previous to that on which I was informed there might be danger. A numerous band of lawless and ferocious men were thus allowed by the Tycoon's Government to go forth, knowing what would happen if they met foreigners on the road; and it must equally be recorded, that there was not one soldier or guard of the Tycoon's Government on the road, to warn or restrain these savages.

These are the shameful facts. It is not my duty at this moment to specify the terrible punishments and reparations which must inevitably attend the pending and unrequited outrages cruelly marked by the blood of unoffending British subjects; that reparation will be decided by the high tribunal of my Government. At present I demand absolutely the arrest of the assassins, and their safe custody in the hands of the Tycoon's Government; the Prince, their master, will doubtless be found when required. As a precautionary measure, to avert from the Japanese Government still greater and inextricable difficulties, I also call upon your Excellencies to direct the immediate and permanent

posting of sufficient guards at the shortest intervals, whatever may be the number required, to assure the road from Yokohama to Kanagawa, and around and within the limits to which British subjects are entitled by Treaty to frequent. In default, the Tycoon's Government will have assumed the consequences. I leave to your Excellencies one week to effect this object.

With respect and consideration.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 2 in No. 41.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication.

Ohohara Sayamonno Kami, the Mikado's Envoy, who has been staying here, as we informed you some time ago, intends to leave Yeddo on the 22nd instant (September 15th, European style), and to take up his lodgings for the night at Kawasaki; on the 23rd (September 16th), he will pass through Kanagawa on his way to Kioto.

As we informed you at his arrival, a great number of his retainers accompany him, travelling promiscuously along the Tokaido.

Now these latter, not knowing the ways and customs of foreigners, we fear some misunderstanding might arise, and therefore we request you to make known to your Consul at Kanagawa, that we do not wish British subjects to pass along the road the said Envoy will take on the said 22nd and 23rd. We intend furthermore to instruct the Governor of Kanagawa to settle this matter with your Consul.

With respect and consideration.

20th of 8th month of 2nd year of Bungkew (September 13th, 1862).

(Signed) WAKISAKA NAKATSOOKASA NO TAYU.
MIDZOONO IDZOOMI NO KAMI.
ITAKOOLA SOOWO NO KAMI.

Inclosure 3 in No. 41.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokokama, September 14, 1862.

THIS day I have received your letter announcing to me that the Envoy of the Mikado, who has been for some time residing at Yeddo, was returning to Miako to-morrow, and requesting that I would signify to the British Consul at this port to prohibit British subjects from going on the Tokaido on that and on the following day, lest any misadventure might arise in consequence of the Envoy's adherents and attendants being unacquainted with the usages of foreigners.

I have to express to your Excellencies my extreme surprise at receiving this communication at a time so close upon the Envoy's departure that the necessary time is not afforded to consider or reply to your communication before he is actually on the Tokaido himself.

I have to state to your Excellencies that it is not so light a matter to prohibit British subjects from proceeding where they will, within the limits assigned to them by Treaty.

Her Majesty's Representative in this country is charged with securing the rights acquired by that Treaty to British subjects, and not to set them aside, or suspend any portion of them, unless for most urgent and pressing reasons which have been submitted for his consideration by the Japanese Government, and found to be sufficient and satisfactory.

The reasons assigned by your Excellencies on the present occasion are inadmissible and unsatisfactory. The Envoy's attendants, I am informed, are not so formidable and numerous that no check can be placed by the Tycoon's Government upon the order and propriety of their march, which, indeed, might and ought to be imposed upon them by the Envoy himself. If they are under no control, guards amounting to twice their number might accompany them along the short distance on the Tokaido frequented by foreigners, rather than that a whole community of foreign subjects should, during two days, be deprived of recreation on the road, which they are in the habit of frequenting.

The chief objects of this communication is to remind your Excellencies that I have

an undoubted right, for all the reasons above stated, to decline to accede to the wish signified in your letter, but I shall abstain from causing any interruption to your arrangements on the present occasion, and shall instruct the Consul to request British subjects not to frequent the Tokaido on the days in question.

But I have distinctly to acquaint your Excellencies that it will be my duty on all future occasions to decline acting upon any similar communications, leaving the responsibility of whatever may occur upon the Japanese Government, unless it has been addressed to me at a period affording sufficient time for consideration, discussion, and correspondence with your Excellencies.

(Signed) EDWD. ST. JOHN NEALE.

No. 42.

Lieutenant-Colonel Neale to Earl Russell.—(Received November 27.)

My Lord, *Yokohama, September* 16, 1862.

I HAVE the honour to inclose, for further information of your Lordship, the accompanying papers transmitted to me by Captain Vyse, Her Majesty's Consul, respecting the recent barbarous murder of Mr. Richardson, and wounding of two other British subjects in the vicinity of this place.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 42.

Consul Vyse to Lieutenant-Colonel Neale.

Sir, *Kanagawa, September* 15, 1862.

I REGRET to have to report another murderous attack perpetrated yesterday between the hours of 2 and 4 P.M., on a party of British residents and visitors, resulting in the murder of one, and the dangerous wounding of two more of Her Majesty's subjects, as well as the serious injuries caused—if not by blows, at least by fright and the endeavours to escape—to a fourth, a lady who was of the party.

The party, consisting of Mrs. Borrodaile and Mr. Richardson, both visitors, and Mr. William Marshall and Mr. W. C. Clarke, both residents, were riding quietly on horseback along the high road between Kanagawa and Kawasaki, when they met a large Daimio's procession. The four foreigners above named were riding two and two, keeping close to the left hand side of the road, and moving at a walking pace at the time they met the procession. Upon nearing the main body of it they stopped, and resolved to get off the road, or to turn back in order to avoid the procession. The four foreigners immediately turned back, and at the moment they were turning they were surrounded and attacked, some of the murderers issuing from the main body in front of the foreigners, and others, who had got a little in advance, closing in around them with drawn swords. Mr. Richardson received the first wound, which soon proved fatal, causing him a few minutes afterwards to fall dead from his horse. On recovering his body soon afterwards, I found it horribly mangled, each one of the many wounds in it being of a mortal character, some of which must have been inflicted by the assassins when they again came to where his body lay dead on the road.

Mrs. Borrodaile urged on her horse, and Messrs. Marshall and Clarke, though very badly wounded, managed to get as far as the United States' Consulate at Kanagawa, where they received medical aid.

On the same exening I had the body of Mr. Richardson conveyed to Yokohama, and having held an inquest on it to-day, I had it properly interred this afternoon.

I have the honour to inclose herewith a copy of the evidence, and of the finding of the inquisition, by which you will see that a verdict of wilful murder has been found.

I have, &c.

(Signed) F. HOWARD VYSE.

Inclosure 2 in No. 42.

Minutes of Evidence touching the Death of Mr. C. L. Richardson, taken before Consul Vyse and a Coroner's Jury.

Yokohama, September 15, 1862.

Ellis Elias, being duly sworn, says:—

I was going out for a ride with Mr. Corns on the afternoon of yesterday, the 14th instant, and met the chestnut horse on which the deceased Mr. Richardson went out riding. The horse was covered with blood. We asked the person who was leading it what was the cause of it. He said, the "hia-kfoo-ban danasan" (meaning the master of the house No. 100 in Foreign Settlement, and by whom we thought at first was meant Mr. Marshall or Macpherson) had been cut down in Kanagawa; and added, as we were going off, that a large Daimio's train was passing through. We went on as fast as possible to see if we could render any assistance. We had got as far as the gate at the foot of Kanagawa Hill, which we found shut, a large body of men (coolies) bearing large baskets, apparently the luggage of the Daimio. Inside the gate, that is to say, on the Yeddo side of it, there were a great many two-sworded men coming down the hill. We asked the gate-keeper whether it was true that any one had been cut down. He said, "Yes, two;" and added that they had been carried back to Yokohama in a boat. We then came back to give the alarm at Yokohama, and again went back with the guard. When we came as far as where the body was, we found it lying in a little garden close to a tea-house, about half-way between Kanagawa and Kawasaki. I recognized the body at once as that of Charles Lennox Richardson. It was dreadfully mutilated, and was quite dead. The wounds were evidently inflicted by a sword and spear. So far as I could see, there was nothing stolen from his person. The body was then conveyed to Yokohama. When I first saw the body it was about 5·30 P.M. I identify the body now lying dead here as the body of Charles Lennox Richardson, which is the same that I saw dead in the garden between Kanagawa and Kawasaki.

(Signed) ELLIS ELIAS.

William Willis, M.D., being duly sworn, says:—

Yesterday evening, about 5·30 P.M., I saw the deceased lying quite dead by the road-side about four miles on the other or Yeddo side of Kanagawa. On examination I discovered several very extensive wounds, each of which was of a mortal character. Deceased's death was caused by these wounds. I identify the body now lying here dead to be the same that I saw by the road about four miles on the Yeddo side of Kanagawa. The wounds which caused the death of the deceased were evidently produced by a sharp-cutting weapon, except two in the abdomen, which appeared to have been produced by a weapon of the nature of a lance.

I am of opinion there is no danger to the inmates of this house to be apprehended from keeping the body of the deceased uninterred until to-morrow; but I would recommend its being interred as soon as convenient.

(Signed) WILLIAM WILLIS.

Woodthrope Charles Clarke, silk inspector, of Yokohama, maketh oath and deposeth as follows:—

About 2·30 P.M. on Sunday, the 14th instant, a party, consisting of Mrs. Borrodaile, Mr. Richardson, Mr. Marshall, and myself, left Yokohama for Kanagawa in a boat. Our horses were sent round to Kanagawa before us, and meeting them at the landing-place at Kanagawa, there we mounted and rode on towards Kawasaki. Along the road we passed several norimons, surrounded each by a few attendants, each armed with two swords, and occasionally a few spears. Those norimons and attendants formed a continuous but irregular train, broken at intervals. When those people were passing we walked our horses at a steady pace, and cantered during the intervals when no people were passing. This continued for about three and a-half to four miles of the road from Kanagawa to Kawasaki, when we met a regular procession preceded by about a hundred men in single file on either side of the road. We kept well to the near side of the road, going at a walking pace, until we arrived at the main body, which was then occupying the whole of the road, which at that place had, I think, a rather wide Japanese bridge across it. Mrs. Borrodaile and Mr. Richardson were about ten yards in advance, Mr. Richardson riding on the off-side of Mrs. Borrodaile. I observed that on nearing the main body, they (Mrs. B. and Mr. R.) halted, and Mr. Marshall and myself immediately did the same. As we did so I observed a man of large stature issue from the main body, at the same time

raising both his arms making some gesture, whereupon both Mrs. Borrodaile and Mr. Richardson instantly turned their horses round towards Kanagawa, Mr. Marshall and myself doing likewise. As I was in the act of turning round I saw a Japanese, whom I think was the same big man I saw at first issuing from the main body, cut with a sword at Mr. Richardson. Upon this I observed also that a portion of the advanced guard, namely, those referred to before as advancing in single file, closed in upon us to the number of about thirty.

On seeing this, I immediately put my horse to a hand gallop and went through them. While doing so, I received a wound on the left shoulder, and my horse received another on the near hip. I saw several swords drawn and blows aimed at me, which I escaped perhaps by bending forward and on account of the rapid pace at which my horse moved. As soon as I had cleared the advanced guard, I checked my horse somewhat. Then Mr. Richardson came up with me and begged me to pull up, saying at the same time, "Oh, Clarke, they have killed me." I replied that I was wounded, and I further begged him to endeavour to keep his seat, and to move on as quickly as possible as the only chance of safety. At the same time Mrs. Borrodaile and Mr. Marshall came up, and I then moved on at a hand gallop with Mrs. Borrodaile—she keeping a little a-head. I think Mr. Marshall stopped a moment or two with Mr. Richardson, and that was the last I saw of Mr. Richardson. Mrs. Borrodaile and myself kept on and were joined by Mr. Marshall at Kanagawa just immediately before we came to the bridge of Kanagawa. We had then slackened our pace; but, seeing Mr. Marshall coming on all right, and feeling myself becoming somewhat faint, I pushed on with Mrs. Borrodaile, agreeing among ourselves to go to the American Consulate, at Kanagawa. I rode on some distance until arriving at the landing-place at Kanagawa, and again telling Mrs. Borrodaile to go to the American Consulate, I became dizzy and lost my sight from loss of blood, and I remember nothing more until I found the American Consul and some one else helping me into a chair. I then fainted, and again came to my senses as Mr. Marshall was brought in. I was then kindly attended to by the family of the American Consul, and later in the evening we were removed to Yokohama.

Very shortly before meeting the compact train by which we were attacked, I noticed in a house by the wayside two of the Japanese interpreters belonging to the Custom-house at Yokohama, and who were personally known to Mr. Marshall and spoken to by him. I think I could recognize one of those interpreters on seeing him again. I can also recognize the uniform and crest of the advanced guard. They were dressed in dark blue, and I saw on the sleeves of nearly the whole of the advanced guard a crest similar to the sketch which I now give in pencil, consisting of two broad white lines placed parallel.

(Signed) WOODTHROPE CHS. CLARKE.

Sworn to before me, Her Britannic Majesty's Consul for Kanagawa, this 16th day of September, in the year of our Lord 1862, at Yokohama, in Japan.

(Signed) FRANCIS HOWARD VYSE, *Her Britannic Majesty's Consul.*

William Marshall, of Yokohama, merchant, maketh oath, and deposeth as follows:—

On the afternoon of Sunday, the 14th instant, Mrs. Borrodaile, Mr. Richardson, Mr. Woodthrope C. Clarke, and myself, rode along the Tokaido, or high road from Kanagawa, in the direction of Kawasaki. When we got to that part of the road which is called by foreigners here "the avenue," I saw a Japanese interpreter, whom I knew, and two other Japanese.

That interpreter I know as one belonging to the Custom-house at Yokohama. I said to the interpreter, "What are you doing so far away from Yokohama?"

He made no reply. We proceeded about quarter of a mile farther, when, on turning a corner, I perceived a large procession coming towards us along the road.

We did not stop, but went on, taking the left-hand side of the road. There was apparently no opposition until we had got about twelve men deep in the procession. Then a man stepped in front of Mr. Richardson's and Mrs. Borrodaile's horses, who were leading, and barred the way. Richardson looked back, and said, "We are stopped." Clarke said, "Don't go on, we can turn into a side road." I said, "For God's sake, let us have no row." Our horses were being quietly turned round when I saw a man in the centre of the procession throwing the upper part of his clothes off his shoulders, leaving himself naked to the waist; and drawing his sword, which he swung in both hands, he rushed upon Richardson. I shouted, "Away!" but, before our horses were started, Richardson was struck across his side, under the left arm. The same man rushed upon me, and struck me in the same place under the left arm.

By this time our horses had fairly started. The greater number of the people remained

stationary, but about half-a-dozen drew their swords, and, barring our passage, struck at us as we passed. Clarke rode over one man, and I rode over another. We galloped on—no person attempting to obstruct our passage until we reached the tea-house, just before the entrance to the avenue, when I saw Richardson's horse begin to flag. I shouted to Mrs. Borrodaile and Mr. Clarke, who were leading, to go on, and that I would look after Richardson. I drew alongside his horse and said, "Richardson, are you bodily hurt?" He made no reply. I looked into his face, and saw that he was all but dead, if not quite so. His horse stopped, and he fell to the ground. I saw then that he was quite dead, his bowels protruding, and that I could do him no good. I put my horse into a gallop, and just at the entrance of Kanagawa overtook Mrs. Borrodaile and Mr. Clarke. Here also I met my own betto and Mr. Aspinall's betto. The one I sent back to look after Mr. Richardson's body, and mounting the other on Mr. Richardson's horse sent him on to Yokohama. I felt very faint from loss of blood, and feeling comparatively safe in Kanagawa rode quietly until I reached the American Consulate, where I received every kindness and attention. There were a great number of people coming along the road and formed, I believe, the advanced part of the procession. I observed on the dresses of most of them one or other of the three crests which I can describe, the crest prevailing most being that of Satsuma.

We did not go faster than a walking pace for at least a quarter of a mile before we came up to the procession, where we were attacked. We neither spoke, nor made gestures, nor did anything else whatever to give offence to the procession; in fact we tried to get out of the way to avoid it.

As far as I could see, every man belonging to or forming the procession which attacked us, was armed each with two swords, and some with long lances, and I observed in front two men carrying bows and bundles of arrows.

(Signed) WM. MARSHALL.

Sworn to before me, Her Britannic Majesty's Consul for Kanagawa, this 16th day of September, in the year of our Lord 1862, at Yokohama, in Japan.

(Signed) FRANCIS HOWARD VYSE, *Her Britannic Majesty's Consul.*

Kanagawa, in Japan, to wit.

An inquisition indented, taken for our Sovereign Lady the Queen, at the house of Mr. W. G. Aspinall, situated at Yokohama, in the district of Kanagawa aforesaid, on the 15th day of September, in the year of our Lord 1862, before F. Howard Vyse, Esq., Her Britannic Majesty's Consul for Kanagawa aforesaid, on view of the body of Charles Lennox Richardson, now here lying dead, upon the oaths of John Hughes, Henry Edward Hoey, Gilbert Henderson, John Hudson, William M. Strachan, and John W. Broadbent, the several persons whose names are hereunder written, and whose seals are hereunto affixed, good and lawful men of the said settlement of Kanagawa, duly chosen, and who being now here duly sworn and charged to inquire for our said Lady the Queen when, how, and by what means the said Charles Lennox Richardson came to his death, do upon their oaths say—

That certain Japanese men (whose names are to the jurors unknown), armed with swords, lances, and other arms after the fashion of their country, and bearing the same by authority, being officials or officers in either the civil or military service of Japan, marching in large bodies from Yeddo, on the 14th day of the present month of September, in the year of our Lord 1862, between the hours of 2 and 4 o'clock in the afternoon, with force and arms, at a place about four miles from Kanagawa, on the high road between Kanagawa and Kawasaki, the same being within the Consular district of Kanagawa aforesaid, the said Charles Lennox Richardson, in the peace of God and our Lady the Queen, then and there being, feloniously, wilfully, and of their malice aforethought, did kill and murder, against the peace of our Lady the Queen, her crown and dignity.

In witness whereof, as well the said Consul as the jurors aforesaid have set and subscribed their hands and seals, this 16th day of September, in the year of our Lord 1862.

(Signed) FRANCIS HOWARD VYSE, *Her Britannic Majesty's Consul.*
JOHN HUGHES, *Foreman.*
HENRY EDWARD HOEY.
GILBERT HENDERSON.
JOHN HUDSON.
W. M. STRACHAN.
JOHN W. BROADBENT.

No. 43.

Lieutenant-Colonel Neale to Earl Russell.—(Received November 27.)

(Extract.) *Yokohama, September 16, 1862.*

IN continuation of my despatch of yesterday's date, relating to your Lordship the particulars of the murderous assault committed on the 14th instant, by the attendants of a high Japanese personage travelling on the high road, upon a party unoffending of British subjects, I have now the honour to lay before your Lordship a statement of the incidents which have arisen consequent upon that event.

Having been one of the first to become aware of the distressing circumstances which had occurred, my first step was to direct the escort attached to this Legation to mount and be in readiness to act as they might be required. I next immediately ascertained from the explicit evidence of an American subject, who had that moment ridden over from Kanagawa, that the wounded gentlemen of the party attacked were within the United States' Consulate at that place, and attended by a medical officer attached to the American Mission.

My informant further stated that the other gentleman who had been wounded was dead, and laying on the road in the vicinity of Kanagawa, but beyond it. The lady, Mrs. Borrodaile, who was with the party, had already happily escaped, and I had conducted her myself to her residence in this place.

Being thus in possession of these facts, I at once abandoned all thoughts of sending the escort, composed of seven or eight men, along the tokaido, or high road, where they would run the gauntlet through hundreds of armed men, that covered the high road, fresh from the outrage and murder they had just perpetrated. The officer commanding the escort, Lieutenant Applin, was moreover absent, and there was no one to aid or to rescue had he been present. The water-communication with Kanagawa was speedy and safe, and I immediately communicated with Her Majesty's ship "Centaur," and requested that an armed cutter should be dispatched to Kanagawa, to bring over from the United States' Consulate the wounded gentlemen, and the body of Mr. Richardson. This was at once done, when I returned to the escort, who, I found, greatly to my surprise, had left. Upon inquiry I learnt that Captain Vyse, Her Majesty's Consul, who was not in Yokohama at the preceding stage of these proceedings, had, upon his arrival, taken the escort with him by the high road to Kanagawa. Lieutenant Applin now arrived, when I informed him that his escort had gone without necessity and without authority. Lieutenant Applin said he would follow them, and see that all was right.

The preceding apparently unimportant circumstances I have been constrained to lay before your Lordship, as the press here, which may find echo elsewhere, imputes blame to me for objecting to the disappearance of my escort, upon a dangerous and unnecessary errand. Later in the evening, Messrs. Marshall and Clarke, the wounded gentlemen, were brought over by water from Kanagawa, as also the body of Mr. Richardson.

These sad events terminated with nightfall.

The settlement of Yokohama, as far as the Japanese are concerned, remained thoroughly tranquil and undisturbed. The British, and a few other members of the foreign community, however, thought it essential and expedient to hold a midnight meeting, at which resolutions were passed, to the effect that a deputation be appointed to wait upon the various civil and naval authorities, with the view of inducing them to immediate action, that is to say, to send out an armed force from Her Majesty's ships, and from the other ships of war in harbour, for the purpose of attacking the cortège of the high Japanese personage, consisting of between 500 and 600 men, and of seizing the person of that personage himself. I was visited by this deputation at 3 o'clock in the morning, when they informed me that they had waited upon Admiral Kuper, who had arrived in Her Majesty's ship "Euraylus" a few hours before from Hong Kong, and that he had consented to attend a meeting at the residence of the French Minister, at 6 o'clock that morning, for the purpose of discussing the propriety of adopting the measures suggested.

They further said they had already called, with a like view and with like results, upon the senior French naval officer and other officials. I promised to attend at the appointed hour.

I went, accordingly, to the residence of the French Minister, when we were joined by Admiral Kuper with Captain Joslin, and other British, French, and Dutch naval officers, as well as by the several Consuls.

The resolutions of the Committee, expressing the object they had in view, a copy of which I have the honour to inclose, was read; and my colleague of France requested me first to express my opinion respecting the suggestions contained in the resolutions, stating

that he considered himself as only in the same position as the others who had been invited to attend.

I then, without any hesitation, stated my opinion, which was as follows :—

"It is my decided opinion that the coercive measures proposed to be adopted in the resolutions of the community are not only utterly impracticable, but if they could, with any chance of success, be carried into effect, I deem that to enter upon actual armed conflict with several hundreds of armed Japanese, who are passing along the high road, and to seize the person of their Chief, would be tantamount to a sudden commencement of hostilities with the Government of Japan, with whom I had not had even time to communicate respecting the event which has only a few hours since occurred. Such a premature measure, I added, would be altogether unjustifiable, fraught with all the evils and consequences of actual war, the stoppage of trade, and result, probably, by involuntarily engaging Her Majesty's Government in a course of action which it had not contemplated. And I further added, however distressing the outrage which had thus unhappily been added to those which have preceded it, I must bear in mind, and the community must bear in mind, apart from all private considerations, that, in a national point of view, the premeditated attacks, accompanied with bloodshed and murder, which took place within the precincts of Her Majesty's Legation at Yeddo, and directed against the life, on two occasions in one year, of Her Majesty's Representative, still more loudly called for reparation.

"I awaited the instructions of Her Majesty's Government, whose hands I have not hampered by premature acts of reprisal or violence towards the Japanese authorities, and I see no good or rational reason why I should pursue a contrary course on the present occasion."

With respect to the second resolution, I said that I was prepared and intended immediately to enter into urgent communication with the Japanese Government for the purpose of urging upon them the necessity of immediately multiplying the guards upon the high road and all other places within the limits assigned by Treaties to foreigners around Yokohama and Kanagawa, so as to avert the chance of any recurrence of the misfortune which had just occurred.

My colleague of France then left the room, and returned with a paper upon which he said he had already written his opinion, and which, when read, coincided in every material respect with my own.

My colleague, however, spoke strongly of the necessity of adopting energetic measures for the defence of Yokohama and the Settlement by military patrols going through it by night and by day and around the neighbourhood, as well as mounted men on the high road, and other demonstrations. A discussion then followed on the part of the other members present as to the exact measures of this nature to be adopted, respecting which I only observed that I should certainly approve any measures of this nature with the exception of the patrols making demonstrations on the high roads, the effect of which would be to invite collision with the armed Japanese retinues, and especially I considered this to be inexpedient as, in point of fact, the Settlement was in no degree menaced from any quarter, or likely to be so. The whole discussion closed by its having been determined that the French and Dutch Naval Commanders should proceed on board the "Euryalus," and confer with Admiral Kuper as to the details respecting some additional guards which will patrol the Settlement and row-boats to pass to and fro at night around the bay. I have since been informed by the Admiral that it had been decided that the Settlement would be divided by nationalities, and that guards from the ships of war of each nation would patrol in the neighbourhood of their own countrymen.

I have now brought to your Lordship's knowledge the incidents which have attended this sudden and regrettable calamity, of which British subjects are again the victims.

I now await your Lordship's instructions respecting the accumulated grievances for which reparation is due to the British nation and to British subjects by the Rulers of Japan.

P.S.—I have the satisfaction to add, for your Lordship's information, that Drs. Jenkins and Willis, attached to this Legation, assure me that Mrs. Borrodaile will be sufficiently restored from the severe shock which she has experienced to embark in the course of two or three days for China, and that Messrs. Marshall and Clarke are very favourably progressing towards recovery.

Inclosure in No. 43.

Minutes of a Meeting of Members of the Foreign Community of Yokohama, held on the night of the 14th September, 1862.

THE following are the minutes of the meeting :—

Captain F. Howard Vyse, Her Britannic Majesty's Consul, having been specially invited to attend, it was proposed by Mr. S. J. Gower, seconded by Mr. E. Clarke :—

"That Captain Vyse be requested to take the chair."

Carried unanimously.

It was then proposed by Rev. M. B. Bailey, seconded by Mr. Gower :—

"That the British, French, American, Dutch, and Portuguese authorities be requested to take such immediate steps as seem to them best calculated to prevent the recurrence of such a deplorable event as has occurred this evening, and that ample reparation be demanded of the Japanese Government for the murderous attack on unarmed British subjects peacefully travelling within Treaty limits."

Mr. Jaquemot then said he thought Mr. Bailey's resolution was not sufficiently strong; he (Mr. J.) thought that most active measures ought to be urged on the authorities, and he then proposed the following resolution, as an amendment on the former :—

"That immediate steps be taken to arrest the guilty parties this night at Hodognaya, and that the foreign naval authorities be requested by a deputation from the community to land 1,000 men, with sufficient material, to effect this object; that the road through Kanagawa be commanded by a competent force, and that immediate possession be taken of the fort of Kanagawa."

Mr. Gower said that he thought this was travelling out of our province, and was dictating to the foreign authorities what steps they were to take, which should more properly be left to their own decision.

After some little discussion, Mr. Jaquemot withdrew his amendment and Mr. Bailey's original proposition was put to the meeting, and carried unanimously.

Captain Vyse then said that he had just returned from an interview with Admiral Kuper, who had only arrived in Her Majesty's ship "Euryalus" (accompanied by the "Ringdove") that very evening; that the Admiral had already been informed of the fearful events of the day, and that he had stated his intention of having an interview with Colonel Neale on the subject at 12 o'clock at noon the next day.

It was then proposed by Mr. Gower, seconded by Captain White :—

"That in consequence of the explanation given by Her Britannic Majesty's Consul of his interview with the British Admiral, it is earnestly desired by this meeting that the commanders of the foreign forces be at once conferred with, so that immediate steps may be taken to secure, if possible, the person of the Daimio whose retainers have committed the murder, or some of his high officers, in order to guarantee speedy reparation for this horrible outrage.".

Put to the meeting, and carried *nem. con.*

It was then proposed by Mr. Gower, seconded by Mr. Hooper :—

"That a Deputation be appointed to wait on the naval and other authorities."

Carried unanimously.

The following gentlemen were then requested by the meeting to act as a Deputation, Captain Vyse being desired to introduce them :—

S. J. Gower, Esq., Captain White, Edward Clarke, Esq., H. J. Hooper, Esq., L. Bourret, Esq., — Plate, Esq., A. Schultz, Esq., R. B. Smith, Esq., Dr. C. H. D. Visscher.

It was then proposed by Mr. Gower, seconded by Mr. Jaquemot :—

"That these proceedings, for the present, be kept sacredly secret amongst ourselves, lest the Japanese gain any information as to the course of action proposed to be pursued."

Carried unanimously.

It was then proposed by the Rev. M. B. Bailey, seconded by Captain White :—

"That we cannot part, this night, without expressing our deep and hearty sympathy with Mrs. Borrodaile, Mr. Marshall, and Mr. Clarke, and the families of those who have suffered from this infamous and cowardly outrage."

Carried unanimously.

It was then proposed by Mr. Jaquemot, seconded by Mr. Gower :—

"That the cordial thanks of this meeting be tendered to M. de Bellecourt and M. le Commandant le Comte d'Harcourt for the prompt and active steps which they took on hearing of this painful occurrence."

Carried *nem. con.*

It was then proposed by Mr. John Hughes, seconded by Captain Mc Donald :—

"That this meeting be now adjourned till 3 o'clock A.M., when the Committee appointed to confer with the Commanders of the Forces will be able to lay before the community that which has transpired, and such measures can be adopted as may then be thought necessary."

Carried *nem. con.*

Mr. Bell said : "Gentlemen, it is usual, before a meeting disperses, to propose a formal motion of thanks to the Chairman for his able conduct in the Chair. But we have something more than this to do; we have to return our special and sincere thanks to Captain Vyse, not only for attending at and presiding over this meeting, but for the noble and spirited manner in which he has acted throughout this affair, and the way in which he has gone hand in hand with the community. And I would wish to associate with his name those of several others, officers of Her Majesty's ships, members of the Legation and Consulate, all of whom have given such prompt and valuable assistance; and would especially mention Mr. Applin, who took upon himself the responsibility of sending out his troop to assist and guard us in recovering the body of our poor friend, which would have now lain rotting in the road had he awaited orders."

Mr. Gower said he must beg to correct this; it was Captain Vyse who ordered the troop out, as Lieutenant Applin was not at home at the time.

Mr. Applin said this was perfectly correct; Captain Vyse had led the troop out, but that on himself Colonel Neale's displeasure had fallen, and that certainly the responsibility did now rest on him, as he had immediately followed up the party and resumed the command.

The following Resolution, which was seconded by Mr. Hooper, was then put to the meeting, and carried unanimously :—

"That the special and sincere thanks of the meeting be tendered to Captain Vyse for the noble and spirited manner in which he has acted throughout this affair; and that with his name be associated those of several of Her Majesty's servants who gave their aid in recovering the body of our poor friend, especially those upon whom the responsibility fell of leading out the guard to seek for the body, which would have laid rotting in the road had they awaited orders."

No. 44.

Lieutenant-Colonel Neale to Earl Russell.—(*Received November* 27.)

My Lord, *Yokohama, September* 19, 1862.

I HAVE the honour to transmit, for the information of your Lordship, a copy of a correspondence which has passed between Rear-Admiral Kuper and myself, in connection with the outrage committed upon British subjects on the 14th instant, the circumstances attending which I have fully reported to your Lordship by this mail.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 44.

Lieutenant-Colonel Neale to Rear-Admiral Kuper.

Sir, *Yokohama, September* 15, 1862.

IN consequence of the murderous attack upon three British subjects which has just occurred, as you are aware, on the high road between Yokohama and Yeddo, and in consideration of the anxiety and apprehension which prevails among the community, I have the honour to request you will be pleased to give such directions as you may deem expedient, with a view to the landing of guards, or other measures calculated to dispel the alarm which I refer to.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 2 in No. 44.

Rear-Admiral Kuper to Lieutenant Colonel Neale.

Sir, "*Euryalus*," *at Yokohama, September* 15, 1862.

IN compliance with the request contained in your letter of this date, I have the honour to inform you, that the Captains of the British, French, and Dutch ships of war at this anchorage met me to-day on board the "Euryalus," for the purpose of considering the best measures to be adopted for the protection of the lives and property of the European community.

The inclosed paper, which I beg leave to forward for your information, contains a copy of the resolution passed on the occasion. The measures determined upon will be continued until the present excitement shall have subsided.

I have, &c.

(Signed) A. L. KUPER.

Inclosure 3 in No. 44.

Minutes of Meeting of the British, French, and Dutch Naval Officers at Yokohama.

"*Euryalus*," *Yokohama, September* 15, 1862.

AT a meeting of the naval authorities assembled at this anchorage, for the purpose of considering the best measures to be adopted for the protection of the persons and property of the European community at Yokohama, it was resolved—

1. That the force at each of the Legations be strengthened during the night, so as to admit of small detachments patrolling the streets of the European Settlement if requisite.

2. Guard-boats to patrol along the beach at the station assigned to each nation, to be in readiness to communicate with the military patrols in the event of an alarm.

3. Any boat which may receive notice of a disturbance or alarm is to pull to the "Kestrel," gun-boat, which vessel will immediately fire two guns in rapid succession; this will be considered the signal for all the available forces to be sent to the different landing-places, where they are to wait for further instructions, without which they are not to land.

4. It is to be understood that whatever force it may be considered necessary to land at sunset, for the purpose of strengthening the Legation guards, is to be re-embarked at daylight on the following morning.

(Signed) A. L. KUPER, *Rear-Admiral.*
D'HARCOURT.
F. G. BUYZ.

No. 45.

Lieutenant-Colonel Neale to Earl Russell.—(Received November 27.)

My Lord, *Yokohama, September* 19, 1862.

CONSEQUENT upon my communications with the Japanese Ministers on the subject of the murder and outrage of which British subjects are the victims, and the circumstances attending which I have laid before your Lordship by this mail, I have received several visits from the Governors of Foreign Affairs sent by the Japanese Ministers to inquire into the particulars attending that event, and yesterday a personage of higher rank, and Membe of the Second Council, came down, with a large retinue, from Yeddo, for the purpose o stating to me that the Ministers had received my despatch acquainting them with the outrage which had been committed, but that as some delay would arise in its translation, and in the detailed communication which they would make to me in reply, they hastened to assure me in the meanwhile of the deep regret of the Tycoon's Government at the lamentable occurrence which had taken place.

He added that the Japanese Government was determined to take immediate steps to investigate thoroughly and ascertain who were the persons immediately engaged in perpetrating the outrage, and to cause their arrest in accordance with my demand. And that with respect to my further demand that immediate steps be adopted for rendering the high road perfectly secure within the limits assigned for the passage of British subjects, that

this should engage their immediate attention, but that the distance was great, and could not be effected so speedily as they desired.

I asked the functionary charged with this communication whether the Japanese Government expected to encounter any obstacle or difficulty in arresting the persons of high or low degree implicated in the act which had been perpetrated. He answered that the Prince of Satsuma, to whom these persons belonged, was a powerful Daimio who would not easily be coerced, but that the Government was in communication with the agent of the Prince at Yeddo, who was himself a person of high rank, and that they hoped to effect their object.

In this interval I received a written communication, a copy of which I have the honour to inclose, from the Japanese Ministers, written before the receipt of the despatch which I had addressed to them, and, by a perusal of which, your Lordship will observe that it is stated that the high officer, and uncle of the Prince of Satsuma, whose cortège committed the outrage, had replied to the inquiries of the Government, as it is expressed, in improper terms, and that ulterior measures should in consequence be adopted.

I informed the deputy of the Ministers that it was my intention to proceed to Yeddo with the British Admiral, on the 21st instant, for the purpose of holding an interview with the Ministers, and of ascertaining from themselves what measures they were willing and able to adopt under the circumstances.

In returning to Yeddo, which I had very recently left while the Legation building is progressing, I shall be accompanied by Admiral Kuper, who has assented, at my request, to take with him, in addition to the "Euryalus," Her Majesty's ships "Ringdove" and "Kestrel," a demonstration which cannot fail to carry with it a useful result, by prompting the Japanese Government to the adoption of such measures as are really within their reach.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 45.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication.

The day before yesterday, the 21st instant (Japanese style), Simadzoo Saboolo, of the family of Mats'-daira Shulino Tayu, was on the road between Kawasaki and Kanagawa, when some of his retainers attacked some British merchants, &c., and wounded them, so that some of them died; in consequence of which, we were informed in the night of the same day by the Governor of Kanagawa. All this has caused us great grief.

The chief retainer of Shulino Tayu has likewise sent us a report of this matter, and by order of the Governor of Kanagawa, one of his officers has examined the said Simadzoo Saboolo.

In the answer which this Saboolo gave to the said officer, there is something very improper; therefore we will have the whole state of the case more accurately inquired into, and inform you of the result afterwards.

We have already had an interview with the American and Dutch Representatives, and discussed this matter, consequently we intend to take proper steps, and will communicate them to you afterwards; but we now send you this beforehand.

With respect and consideration.

23rd of 8th month of 2nd year of Bungkew (September 16, 1862).

(Signed) WAKISAKA NAKATSOOKASA NO TAYU.
MIDZOONO IDZOOMI NO KAMI.
ITAKOOLA LOOWO NO KAMI.

No. 46.

Lieutenant-Colonel Neale to Earl Russell.—(*Received November* 27.)

(Extract.) *Yokohama, September* 21, 1862.

I HAD closed my mail addressed to your Lordship by this occasion, when the accompanying documents have been transmitted to me by Captain Vyse, Her Majesty's Consul, with the urgent request that I should forward them to your Lordship.

Press of time renders it impossible for me, by this occasion, to draw your Lordship's attention to the erroneous statements with which these documents abound, and the facts which have been suppressed in all which relates to my own course of action, as I have had the honour circumstantially to report them by this mail.

Inclosure 1 in No. 46.

Messrs. Bell, Bailey, and Gower to Earl Russell.

May it please your Lordship, *Yokohama, September* 16, 1862.

WE, the undersigned, have been appointed at a meeting of the foreign community of Yokohama, as a Committee to draw up a detailed statement of the painful occurrences of Sunday the 14th instant, including the minutes and proceedings of various meetings to which these gave rise, and we have been desired to transmit all these documents to your Lordship.

We have now the honour to inclose these papers, to which we beg your Lordship's earnest attention.

The community have taken this unusual step in order that Her Majesty's Government may be thoroughly acquainted with the facts of the case, as well as the steps taken by them, urging the authorities to adopt immediate measures for the apprehension of the murderers.

We think that your Lordship will find that the general opinion amongst the foreign officials and naval authorities, as well as the mercantile community, who certainly are the most interested in the maintenance of peace, was, that immediate action, and a severe lesson inflicted on the spot, would have been the best means of preventing a recurrence of a similar crime, and would probably have prevented future international complications, which now appear to be only too imminent.

We have, &c.

(Signed) FREDC. H. BELL.
M. B. BAILEY.
S. J. GOWER.

Inclosure 2 in No. 46.

Minutes of a Meeting of the Merchants resident in Yokohama, held September 15, 1862.

IMMEDIATELY after the funeral of Mr. Richardson, a meeting of the foreign community was held at half-past 5 o'clock P.M., on the 15th September, at the residence of E. Clarke, Esq.

Captain F. Howard Vyse was requested to take the chair.

Mr. Gower said this meeting had been convened to hear the statement of the occurrences of the previous evening and morning, that had been drawn up by the Committee they had appointed, and he thought the meeting would find that this statement was only a straightforward representation of actual occurrences.

The Committee had endeavoured to confine themselves entirely to the relation of facts, and notwithstanding their strong feelings on the subject they had not allowed those feelings to lead them astray into any prejudiced or personal remarks.

They had had but a very few hours for the completion of their work, but he thought that a fair and full statement of all the occurrences of the past evening and morning would be found to have been rendered.

Mr. Bell then read the following statement:—

"*Yokohama, September* 15, 1862.

"Yesterday afternoon about 2 o'clock a party left Yokohama for a country ride, intending to cross to Kanagawa in a boat, and proceed from thence on horseback to Kawasaki, where there is a fine temple.

"The party was composed of Mrs. Borrodaile, the wife of a merchant in Hong Kong; Mr. Marshall, her brother-in-law, a merchant of Yokohama; Mr. W. Clarke, of the house of Messrs. H. Heard and Co.; and Mr. Richardson, who has just retired from business in China, and was on a visit to Japan, prior to his return to England.

"The community at about half-past 3 o'clock in the afternoon were startled by the return of Mrs. Borrodaile on horseback at Mr. Gower's house in a fearful state of agitation and disorder, her hat gone, her hands, face, and clothes bespattered with blood, and in a fainting state. She informed Mr. Gower that she had just ridden for her life over seven miles, and had escaped she knew not how from a most dastardly and murderous attack upon herself and her companions; that at about four miles beyond Kanagawa, nearly half way to Kawasaki, they had met part of a Daimio's train, consisting of a large body of two-sworded men coming from Yeddo, some of whom signed to them to move aside, which

they did. They drew up their horses at the side of the road, but in consequence of continued signs to go back, they turned their horses to return towards Kanagawa. Without a word, or the slightest further notice, some of the retainers drew their swords, and fiercely attacked them. A cut was aimed at Mrs. Borrodaile's head, which she fortunately avoided by quickly stooping, though her hat was cut away by the blow. The three gentlemen were badly wounded, and being entirely surrounded, and the road for some distance lined by their assailants, and being themselves entirely unarmed, they had no course but to dash through them, and to endeavour thus to effect their escape. Mrs. Borrodaile saw Mr. Richardson fall from his horse, as she supposed dead, and the others were so badly wounded that Mr. Marshall told her to ride for her life, and try to save herself, as she did not think they could keep up. She scarcely remembers what happened afterwards, but she recollects riding into the sea, preferring the risk of drowning to falling into the hands of these bloodthirsty miscreants. Her horse, however, regained the road, and continued his headlong course towards Yokohama, twice falling under her. By some means she regained her seat, and arrived fainting and exhausted at the house mentioned. Fortunately Dr. Jenkins and Mr. Gower's brother entered the house at the moment, the former of whom administered the needful restoratives; and Mr. Gower's brother, at her earnest request, went at once to Captain Vyse, to endeavour to obtain assistance towards the recovery of the persons of her companions, all three of whom she imagined were lying dead in the road.

"The report at once flew round the Settlement; and having learnt from others coming from Kanagawa that two of the party were lying dangerously wounded at the American Consulate at that place, while the third had been left weltering in his blood on the road, some three miles beyond, a large body of residents of all nationalities collected, and immediately started by water and by land, for Kanagawa. Among the first was Dr. Jenkins, of Her Majesty's Legation, who had immediately procured his instruments to render what aid might lie in his power. On arriving at the American Consulate, they found Mr. Marshall severely wounded in the side and back, while Mr. Clarke's left arm at the shoulder was nearly cut through, the sword having penetrated half through the bone. Their wounds, however, had been immediately attended to and dressed by Dr. Hepburn, of the American Mission.

"From what was gathered from Mr. Clarke, the few who had arrived determined at once to proceed in search of Mr. Richardson, who had been seen by him also to fall from his horse exhausted. As they reached the main road, they perceived Captain Vyse, accompanied by several residents on horseback, together with the mounted guard, proceeding on the same errand. They rode on as fast as possible, and were overtaken, about two miles out, by Lieutenant Applin, who ordered a halt. He stated that Colonel Neale was extremely incensed that the guard should have been taken out of Yokohama without his especial orders, but upon an explanation from the British Consul that it was his duty at all hazards to recover and identify his missing countryman, and that having found the guard in the saddle ready to start, but without any instructions as to what course they were to pursue (though Colonel Neale was fully aware of the urgent demand for assistance), he had thought it his duty to order them at once to follow him; Lieutenant Applin immediately concurred in this determination, and gave the word to advance, thereby sharing with Captain Vyse the responsibility of thus acting without having obtained orders from Colonel Neale.

"They continued on the road till they arrived at the half-way house between Kanagawa and Kawasaki, where they were joined by the French mounted guard, who had received orders from M. D. de Bellecourt, His Imperial Majesty's Envoy, to act in concert with Captain Vyse, and those who accompanied him. Here they made inquiries, but could get no information, the people affecting entire ignorance upon the matter. A little boy, however, came forward, and volunteered to point out where the body was lying; under his guidance they retraced their steps about half a mile, and found the body lying about ten yards off the road, in a field, at the side of a small cottage. It was covered over with a couple of old mats, which, on being removed, revealed a most ghastly and horrible spectacle. The whole body was one mass of blood; one wound, from which the bowels protruded, extended from the abdomen to the back; another on the left shoulder had severed all the bones into the chest; there was a gaping spear-wound over the region of the heart; the right wrist was completely divided, and the hand was hanging merely by a strip of flesh; the back of the left hand was nearly cut through; and on moving the head the neck was found to be entirely cut through on the left side.

"The two first-mentioned wounds had evidently been the first he had received, and had been given while he was on horseback; the last four, or certainly two of them, had been inflicted after he had fallen from his horse, if not after death.

"A litter having been hastily constructed, the party returned to Kanagawa with the body; they there met detachments from Her Majesty's ship 'Centaur' and the French men-of-war, the latter under the command of M. le Commandant le Comte d'Harcourt, and accompanied by M. de Bellecourt himself, with his own body-guard.

"They learned that some of the two-sworded men had drawn their weapons upon the French guard, and had menaced a party of four other foreigners, who were only saved by one of them keeping his revolver pointed at the assailants, who thereupon retired; and also Captain Buys, of His Netherlands Majesty's ship 'Vice-Admiral Koopman.'

"In consequence of these repeated and audacious attacks, and having learnt that the murderers, in number about 200, were sleeping at a village about three or four miles from Kanagawa, and that the British Chargé d'Affaires had sent a messenger to recall the the mounted guard, the matter was considered so extremely serious as to induce some members of the community at once to call a public meeting, as it was generally felt, not only by the mercantile community, but by many naval and military officers, both British and French, and by several of the Civil servants of these respective Governments, that it was practicable by prompt measures to arrest the murderers, and inflict a severe lesson on the perpetrators of such crimes.

"The foreign community responded to the call by assembling, almost to a man, at the house of Mr. E. Clarke, representative of Messrs. Dent and Co., an hour afterwards, at about 10 P.M.

"The following are the Minutes of that meeting:—

"Captain F. Howard Vyse, Her Britannic Majesty's Consul, having been especially invited to attend, it was proposed by Mr. S. J. Gower, seconded by Mr. E. Clarke:—

"'That Captain Vyse, Her Britannic Majesty's Consul, be requested to take the chair.'

"Carried unanimously.

"It was then proposed by the Rev. M. B. Bailey, seconded by Mr. Gower:—

"'That the British, French, Dutch, American, and Portuguese authorities be requested to take such immediate steps as seem to them best calculated to prevent the recurrence of such a deplorable event as has occurred this evening, and that ample reparation be demanded of the Japanese Government for the murderous attack on unarmed British subjects peacefully travelling within Treaty limits.'

"Mr. Jaquemot then said he thought Mr. Bailey's resolution was not sufficiently strong; he (Mr. J.) thought that most active measures ought to be urged on the authorities, and he then proposed the following resolution, as an amendment on the former:—

"'That immediate steps be taken to arrest the guilty parties this night, at Hodogneya, and that the foreign naval authorities be requested, by a deputation from the community, to land 1,000 men, with sufficient *matériel*, to effect this object. That the road through Kanagawa be commanded by a competent force, and that immediate possession be taken of the fort of Kanagawa.'

"Mr. Gower said he thought that this was travelling out of our province, and was dictating to the foreign authorities what steps they were to take, which should more properly be left to their own decision.

"After some little discussion Mr. Jaquemot withdrew his amendment, and Mr. Bailey's original proposition was put to the meeting and carried unanimously.

"Captain Vyse then said that he had just returned from an interview with Admiral Kuper, who had only arrived that very evening in Her Majesty's ship 'Euryalus' (accompanied by the 'Ringdove'); that the Admiral had already been informed of the fearful events of the day; and that he had stated his intention of having an interview with Colonel Neale on the subject at 12 o'clock at noon the next day. It was then proposed by Mr. Gower, seconded by Captain White:—

"'That in consequence of the explanation given by Her Britannic Majesty's Consul of his interview with the British Admiral, it is earnestly desired by this meeting that the Commanders of the foreign forces may be at once conferred with, so that immediate steps may be taken to secure, if possible, the person of the Daimio whose retainers have committed the murder, or some of his high officers, in order to guarantee speedy reparation for the horrible outrage.

"Put to the meeting, and carried *nem. con.*

"It was then proposed by Mr. Gower, and seconded by Mr. Hooper:—

"'That a deputation be appointed to wait on the naval and other authorities.'

"Carried unanimously.

"The following gentlemen were then requested by the meeting to act as a Deputation

Captain Vyse being desired to introduce them:—S. J. Gower, Esq., Captain White, Ed. Clarke, Esq., H. J. Hooper, Esq., L. Bourret, Esq., G. F. Plate, Esq., A. Schultze, Esq., Dr. C. H. D. Visscher, R. B. Smith, Esq.

"It was then proposed by Mr. Gower, seconded by Mr. Jaquemot:—

"'That these proceedings for the present be kept sacredly secret amongst ourselves, lest the Japanese gain any information as to the course of action proposed to be pursued.'

"Carried unanimously.

"It was then proposed by the Rev. M. B. Bailey, and seconded by Captain White:—

"'That we cannot part this night without expressing our deep and hearty sympathy with Mrs. Borrodaile, Mr. Marshall, and Mr. Clarke, and the families of those who have suffered from this infamous and cowardly outrage.'

"Carried unanimously.

"It was then proposed by Mr. Jaquemot, seconded by Mr. Gower:—

"'That the cordial thanks of this meeting be tendered to M. de Bellecourt, and M. le Commandant le Comte d'Harcourt, for the prompt and active steps which they took on hearing of this painful occurrence.'

"Carried *nem. con.*

"It was then proposed by Mr. J. Hughes, seconded by Capt. M'Donald:—

"'That this meeting be now adjourned till 3 o'clock A.M., when the Committee appointed to confer with the Commanders of the Forces would be able to lay before the community that which had transpired, and such measures can be adopted as may then be thought necessary.'

"Carried *nem. con.*

"Mr. Bell said, 'Gentlemen, it is usual before a meeting disperses to propose a formal vote of thanks to the chairman for his able conduct in the chair. But we have something more than this to do; we have to return our special and sincere thanks to Captain Vyse, not only for attending at and presiding over this meeting, but for the noble and spirited manner in which he has acted throughout this affair, and the way in which he has gone hand in hand with the community. And I would wish to associate with his name those of several others—officers of Her Majesty's ships, members of the Legation and Consulate, all of whom have given such prompt and valuable assistance; and I would especially mention Mr. Applin, who took upon himself the responsibility of leading out his troop to assist and guard us in recovering the body of our poor friend, which would have now lain rotting in the road had he awaited the orders of his vacillating superior.'

"Mr. Gower said he must beg to correct this; it was Captain Vyse who ordered the troop out, as Lieutenant Applin was not at home at the time.

"Lieutenant Applin said this was perfectly correct; Captain Vyse had led the troop out, but that on himself Colonel Neale's displeasure had fallen, and that certainly the responsibility did now rest upon him, as he had immediately followed up the party and resumed the command.

"The following resolution, which was seconded by Mr. Hooper, was then put to the meeting and carried unanimously:—

"'That the special and sincere thanks of the meeting be tendered to Captain Vyse for the noble and spirited manner in which he has acted throughout this affair, and that with his name be associated those of several of Her Majesty's servants who gave their aid in recovering the body of our poor friend, especially those upon whom the responsibility fell of leading out the guard to seek for the body, which would have lain rotting in the road had they waited the orders of a superior.'

"The meeting was then adjourned till 3 A.M.

"The Committee entered at once upon their duties.

"They proceeded on board Her Majesty's ship 'Euryalus,' and the Admiral immediately rose from his bed, and received them in the most courteous manner.

"He heard the statement of the events of the evening, and that it was known that the party who committed this murder were sleeping at but a short distance from Kanagawa, and the opinion of the Committee that their immediate arrest could be effected were a force at once despatched upon this errand.

"He stated his willingness to take any practicable measures that could possibly be suggested, consistent with prudence; but he explained that, having but a few hours ago arrived in the place, and being a perfect stranger to all the localities, he could not feel justified in taking any active measures without first consulting with Her Majesty's Chargé d'Affaires. He said, however, that he was ready at any moment to enter into such consultation, and should consider no hour too early to meet the Diplomatic Agents and

the foreign Naval Commanders (there being three French, one Dutch, and four English men-of-war in port).*

"It was accordingly arranged that the meeting should take place at 6 o'clock A.M., at the residence of M. de Bellecourt, the Envoy Extraordinary of His Imperial Majesty the Emperor of the French.

"The Committee then proceeded to His Imperial Majesty's frigate 'Le Monge,' and were at once received by Comte d'Harcourt, who congratulated the Committee and the community on the promptitude and energy displayed by them, and stated his opinion that a severe lesson given at the moment would have far more effect than any course of action taken hereafter; that he was perfectly ready to join in any measures that might be determined on, and would be most happy to attend the meeting at the hour named.

"After calling upon Captain Buys, the Commander of His Netherland Majesty's ship "Vice-Admiral Koopman,' who also agreed to be at the meeting, the Committee repaired to the residence of M. de Bellecourt, who entered most thoroughly into their feelings and concurred in their views of the course to be pursued as to taking immediate action with prudence and determination.

"The Committee then called upon Colonel Neale, Her Britannic Majesty's Chargé d'Affaires, who heard their statement, but did not appear either to approve of the steps that had been taken, or to concur in what was proposed to be now done. Understanding, however, that the meeting was agreed to by the French Minister, the English Admiral, and other foreign officials, he said he would be present, though he considered it a most unusual proceeding, and he evinced considerable annoyance at any meeting having been held by the community.

"The Committee then repaired to the house of Mr. E. Clarke, it being already past the hour to which the previous meeting was adjourned.

"The foreign residents of Yokohama re-assembled at 3 o'clock in the morning of the 15th instant, and after the Committee had stated what they had done, the meeting was again adjourned to the hour of 8 A.M., in order that the action taken by the authorities might be made known to the community.

"At 8 o'clock on Monday morning the community again assembled, and Captain Vyse, who, with Mr. Clarke, had been present at the meeting at M. de Bellecourt's house, made the following statement:—

"He said that the *compte-rendu* of the proceedings at that meeting was so involved and contradictory that it was difficult correctly to report its contents. There had been considerable discussion, and much difference of opinion; that the French Minister and Commander were for decided and active measures; that Colonel Neale had stated that he had not received any official intimation of the murder.† Captain Vyse said it would now be his duty to lay the circumstances before him in a despatch; that Colonel Neale remarked he had himself been attacked in the Legation at Yeddo, and was actually a prisoner in his house there, and he did not see how residents in Yokohama could expect to be exempt from equal liabilities.

"Considerable surprise was expressed by the meeting that Colonel Neale should require official intimation of the murder, as it was well known that he had met Mrs. Borrodaile, and heard her account of the attack; had himself seen the dead body frightfully mutilated; had received a visit from the Governor of Yokohama, at about 10 o'clock in the evening, and had been waited on by the Committee at 3 o'clock A.M., on the subject. Captain Vyse in continuation stated, that the French Minister had said that by Treaty 10 ri (25 miles) were open to foreigners, and he did not see on what grounds he could give up nine-tenths of this distance; and that as far as he was concerned, for Frenchmen he would enforce the fulfilment of the stipulations by any means in his power.

"It was then proposed by Mr. Gower, seconded by the Rev. M. B. Bailey:—'That a Committee be appointed to draw up a statement of all that has passed in this affair, and that it be transmitted without loss of time to Her Britannic Majesty's Minister for foreign affairs, together with the minutes of these meetings, the steps taken by the community, and the results of their application to the authorities.'

"Carried unanimously.

"It was then proposed by Mr. Hooper, seconded by Captain White:—

"'That the said Committee be composed of the Rev. M. B. Bailey, Mr. Gower, and Mr. Bell.'

"Carried unanimously.

* "Dordogne," "Le Monge," "Duplex," Vice-Admiral Koopman; "Euryalus," "Centaur," "Ringdove," nd "Kestrel."

† Admiral Kuper desired to see a written statement of the occurrences.—E. N.

"It was proposed by the Rev. M. B. Bailey, seconded by Mr. Boyle:—

"'That a copy of the resolutions passed last night and this morning, with the Report of the Committee, be forwarded to the 'Times' newspaper, with a request that the same be published forthwith as an advertisement, if not otherwise inserted.'

"Carried unanimously.

"It was proposed by Mr. Hooper, seconded by Mr. Gower:—

"'That the thanks of this meeting be given to Captain Vyse for his able, generous, active, and energetic conduct, during the whole of last night and this morning as head of the Committee, and that our deep sense of gratitude be expressed to him.'

"Captain Vyse said that in returning thanks to the community for the manner in which they had, more than once, thanked him for what he had done, he could only say that he considered that it was quite unmerited; he had certainly done the best he could in the matter, but that it was only what any other man would have done, actuated by very strong personal feelings.

(Signed) "FREDC. H. BELL.
"M. B. BAILEY.
"S. J. GOWER."

After the statement had been read, Mr. Gower said he had just learned from Dr. Jenkins that the wounds on the body of the deceased were some twelve or thirteen in number; those on the back being far more severe than any that had been seen by persons who had only seen the body as first found. There was one especially, extending from the shoulder down almost the entire length of the back, through which the lungs and part of the intestines protruded.

Mr. Gower then asked the meeting if they considered the statement to be a fair one; or whether they thought there was anything that ought to be taken out or altered.

It was then proposed by Mr. Boyle, seconded by Mr. Barber:—

"That the thanks of the community be tendered to the Committee for the lucid and accurate account of what had transpired, and that the statement be adopted and confirmed."

Put to the meeting, and carried unanimously.

A paper, with duplicate, expressing approbation of the statement was then prepared for the signature of those present, such document to be appended to the statement to be sent home to Earl Russell.

Mr. Stearns then said he wished to add something to that statement. He was in Kanagawa at the time Messrs. Marshall and Clarke were brought into the American Consulate, and in assisting to dress their wounds he learnt that they had missed Mrs. Borrodaile, who had gone they knew not where, and that Mr. Richardson was also behind. He immediately went over to Yokohama and saw Colonel Neale, and entreated him, for God's sake, to send over the mounted guard to endeavour to recover Mrs. Borrodaile and Mr. Richardson, dead or alive. He spoke on the subject urgently, and Colonel Neale went away, and he learnt afterwards that Colonel Neale had declined sending the guard.

Mr. Gower then said, that as, no doubt, all our friends in China would naturally feel great anxiety until they heard full particulars, and as many persons would, from their other occupations, be prevented from giving a detailed account by the first opportunity; and Mr. Keele having stated that he would be happy to issue an "extra" to the "Japan Herald," containing the statement of the Committee, he would propose that this offer be accepted.

This motion was seconded by Mr. Maine, put to the meeting, and carried *nem. con.*

Captain Vyse said, before the meeting separated he wished to say a few words as to the absence of one whom most of those present would have expected to see there, Colonel Fisher, the American Consul. He begged to explain that it was not by Colonel Fisher's choice that he was absent. They could not know how thoroughly that gentleman went with them, but he was very peculiarly circumstanced; he was living away at Kanagawa, with very little protection, and with two young unmarried ladies in the house, who were naturally in a state of extreme nervousness after the fearful sights they had witnessed the day before. Colonel Fisher had intended to have been present at the funeral, and at the present meeting, and he (Captain Vyse) had put his veto on it, and begged him to go over to reassure his own family.

The meeting then separated.

(Signed) FREDC. H. BELL.
M. B. BAILEY.
S. J. GOWER.

Yokohama, September 15, 1862.

We, the undersigned, members of the foreign community of Yokohama, having read the attached statement, drawn up by the Committee appointed for the purpose, of all facts connected with the occurrence of the evening of the 14th and morning of the 15th instant, do hereby signify our cordial concurrence with the same, and our entire confirmation of its contents.

(Signed) J. H. BOYLE.
(And 83 others.)

Remark.—Thirty-six of these signatures are those of American and Dutch subjects; the remainder are British.—E. NEALE.

No. 47.

The Secretary to the Admiralty to Mr. Hammond.—(Received December 1.)

Sir, *Admiralty, November* 27, 1862.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Her Majesty's Secretary of State for Foreign Affairs, a copy of a letter from Vice-Admiral Sir James Hope, dated the 1st October, with copies of its inclosures from Rear-Admiral Kuper, relating to the murder of Mr. Richardson, and the wounding of two other British subjects in Japan.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure 1 in No. 47.

Vice-Admiral Sir J. Hope to the Secretary to the Admiralty.

My Lord, *"Impérieuse," Woo-sung, October* 1, 1862.

HEREWITH I forward, for the information of the Lords Commissioners of the Admiralty, a correspondence addressed to me by Rear-Admiral Augustus L. Kuper, detailing the circumstances under which a British subject has been murdered in Japan; to which I add a newspaper containing the Coroner's inquest, and a report of a meeting held by the foreign residents at Yokohama on this melancholy occasion.

I have acquainted Rear-Admiral Kuper that I entirely concur in the propriety of the course which he adopted.

I have, &c.
(Signed) J. HOPE.

Inclosure 2 in No. 47.

Rear-Admiral Kuper to Vice-Admiral Sir J. Hope.

Sir, *"Euryalus," at Yokohama, September* 20, 1862.

ON my arrival at Yokohama on the evening of the 14th instant, it was reported to me that on the afternoon of that day a party of three English gentlemen and a lady, riding on the high road between Kanagawa and Kawasaki, had met a body of some 200 of the retainers of the Prince of Satsuma, travelling from Yeddo to the south. Although totally unarmed, the English party was attacked by the Japanese, and Mr. Richardson, a gentleman held in high estimation by the community of Yokohama, was cut down and most cruelly butchered. Messrs. Marshall and Clarke, the other two gentlemen, were both very severely wounded, while the lady (Mrs. Borrodaile) escaped in the most miraculous manner, and was the first to give information of the outrage at Yokohama.

The mounted guards of the British and French Legations, accompanied by M. de Bellecourt, the French Minister, and Captain Vyse, Her Majesty's Consul, proceeded to the spot; at the same time, parties of men from the "Centaur" and the French vessels of war, under their respective commanders, also landed at Kanagawa, for the purpose of rescuing the wounded, and recovering the body of the murdered gentleman, in which latter object they succeeded after some trouble, and it was conveyed to Yokohama in a

shockingly mutilated state. The wounded gentlemen found refuge in the house of the American Consul, who resides in the neighbourhood of Kanagawa.

From information I have been able to obtain, it would appear to be the custom for the Japanese Government at Yeddo to give notice to the Representatives of the several European Powers when any of the great Daimios would be travelling on the high road with their numerous retinue, and to request that on such days, in order to avoid collision with the Japanese, foreigners would abstain from frequenting that part of the road which runs through, and considerably within, the limits assigned by Treaty for their free access. A notice of this description appears to have been given for the 15th and 16th instant, but not for the 14th; consequently no apprehension was entertained of falling in with any of these great processions on that day.

A deputation from the European community at Yokohama, headed by Captain Vyse, Her Majesty's Consul, called upon me at 1·30 A.M. of the 15th, to urge me to take immediate steps to secure the person of the Prince of Satsuma, who was expected to pass along the same road in the course of twenty-four hours, with a large body of followers. As Her Majesty's Chargé d'Affaires, Colonel Neale, was here, I declined giving an answer until I had conferred with him, and a meeting was arranged accordingly for 6 A.M., at the residence of M. de Bellecourt, to consider the proposition of the European community as to making an attempt to arrest the person of the Prince of Satsuma, with the view of obtaining redress for the barbarous outrage of the preceding day, and also as to their security for the future.

This meeting was attended by the French Minister, the British Chargé d'Affaires, myself, the Commanders of the British, French, and Dutch vessels of war, and the British, Dutch, and Portuguese Consuls. It was decided that, although it was necessary to take steps to secure the lives of foreigners within the limits in which they had by Treaty a right to move, and to prevent the possibility of a recurrence of such barbarous murders as that which had been committed on the previous day, it would be inexpedient to land a large force for the purpose of making a prisoner of the Prince of Satsuma.

I was induced to coincide in this decision, for various reasons, amongst which were:—

1. The small chance of success in securing the right man in the midst of a mob of some 800 or 1,000 followers, all probably prepared to sacrifice their own lives to ensure the escape of their Chief.

2. The probable result, in the event either of success or failure, of immediate hostilities with Japan, for which we are not prepared.

3. The questionable right of landing a large force for an aggressive purpose in a country with the Government of which we are at amity and under Treaty.

4. The dangers such an act would entail upon the lives and property of the whole European community in Japan; and

5. The difficulty that would arise, in the event of success, as to the disposal of the Prince when taken, &c.

As there was naturally much excitement amongst the Europeans here, it was agreed, with the view of allaying that excitement, that a meeting of the naval authorities should be held on board the "Euryalus," for the purpose of considering the best measures to be adopted for the security of Yokohama, in the event of any threatening danger. The result of this Conference will be seen in Inclosure No. 2.*

The feeling of alarm has now considerably subsided; and I do not myself see any reason for supposing that the murderous assault committed on the 14th will be followed up by any aggressive act on the part of the Japanese at Yokohama. The parties concerned in that murder passed on their way, and are probably many miles from this place.

Within the past few days several communications from the Government of the Tycoon at Yeddo (some of them conveyed by officers of high rank) have been made to the foreign Ministers here, expressing regret at what had happened, and assuring them that every possible means should be taken to ensure the safety of foreigners in future, as well as to bring the perpetrators of the murder to punishment.

It is my intention to accompany Colonel Neale, Her Majesty's Chargé d'Affaires, to Yeddo, on Monday, the 22nd instant; and as we are both of opinion that a show of force there may have a beneficial effect in hastening the movements of the Japanese Government towards the adoption of any mesures it may be thought proper to demand to secure for the future the lives of foreigners in Japan, within the limits accorded to them by Treaty, I shall move both the "Euryalus" and "Ringdove" up there for a few days.

* See Inclosure 3 in No. 44.

I beg leave to inclose, for your information, copy of a letter addressed to me by Commander Montgomerie, of the "Centaur," bearing on the events treated of in this despatch.

I have, &c.
(Signed) A. L. KUPER.

Inclosure 3 in No. 47.

Captain Montgomerie to Rear-Admiral Kuper.

Sir, "*Centaur*," *Yokohama, September* 15, 1862.

I HAVE the honour to report that, on the 14th instant, about 2 A.M., without any provocation, a murderous attack was made upon four British subjects, three gentlemen and one lady, named in the margin,* on the high-road between Kanagawa and Kawasaki, by some retainers of the Prince of Satsuma, who were the advance of a large body of men conducting a high Japanese official from Yeddo towards Miako.

As far as I can learn, the party endeavoured to get out of the way of the approaching cortège, when they were set upon; Mr. Richardson was killed, and the two other gentlemen seriously wounded.

The first information on the subject was brought to the Settlement by Mrs. Borrodaile, when the mounted escort were called out and proceeded to the scene of attack; at the same time parties were sent from each man-of-war in port to Kanagawa, with a view of recovering the victims. I accompanied the escort, and we succeeded in discovering the body of Mr. Richardson about seven miles from Yokohama, on the high-road before mentioned. The wounds inflicted on the victim were of the most frightful nature; both arms severed, the bowels opened, two wounds on the shoulder, and the head half-severed from the body.

On discovering the body it was removed to Kanagawa, and conveyed from thence to Yokohama by boat. The wounded gentlemen were brought to Yokohama the same evening, and are doing well.

Her Majesty's Chargé d'Affaires has called upon the Japanese Government for redress, but at present I am unable to give any information as to the result.

The community are naturally in a state of excitement on the subject of such a gross, unwarranted attack.

I have, &c.
(Signed) JOHN E. MONTGOMERIE.

No. 48.

Earl Russell to Lieutenant-Colonel Neale.

Sir, *Foreign Office, December* 4, 1862.

I HAVE received your despatch of the 12th of September, inclosing a copy of a letter from the Japanese Ministers giving the result of the examination of the persons concerned in the attack on the Legation on the 6th of June last, and, in answer to your statement that you are awaiting my instructions respecting that outrage, I have to refer you to my despatch of the 22nd of September last, which contains full instructions as to the redress which you are to demand from the Japanese Government.

I am, &c.
(Signed) RUSSELL.

No. 49.

Mr. Hammond to the Secretary to the Admiralty.

Sir, *Foreign Office, December* 4, 1862.

I HAVE laid before Earl Russell your letter of the 27th ultimo, inclosing a copy of a report, together with other papers, from Rear-Admiral Kuper, respecting the murder of Mr. Richardson near Kanagawa on the 14th of September last; and I am to state to

* Mr. Marshall, Mr. Clarke, Mr. Richardson, Mrs. Borrodaile.

you, in reply, for the information of the Lords Commissioners of the Admiralty, that Lord Russell entirely concurs with Rear-Admiral Kuper in the course he took on that occasion.

I am, &c.
(Signed) E. HAMMOND.

No. 50.

Earl Russell to Lieutenant-Colonel Neale.

(Extract.) *Foreign Office, December* 9, 1862.

I RECEIVED by the mail which arrived on the 27th ultimo, your despatches of the 15th, 16th, 19th, and 21st of September, giving an account of a savage and unprovoked attack made by the retinue of one of the principal Daimios on a party of British subjects, which ended in the murder of one of the party, in the severe wounding of two, and in the miraculous escape of a lady who was one of the party.

I have to instruct you to express to the persons who were attacked the sincere sympathy of Her Majesty's Government for the sufferings which this outrage has inflicted upon them; and if you have an opportunity of doing so, you will make a similar communication to the relatives of Mr. Richardson.

It will be my duty to convey to you full instructions in regard to the reparation to be demanded of the Japanese Government, and the course which it may be deemed necessary to pursue to obtain for British subjects in Japan, of every degree, the personal security which by Treaty they are entitled to enjoy.

But I will not let the present mail depart without acquainting you that Her Majesty's Government approve the judgment and forbearance which you displayed in resisting the pressure attempted to be put upon you, and which, if you had yielded to it, might have involved Her Majesty's Government in hostility with Japan.

You acted prudently in discountenancing the proposal of landing a force from the ships to execute summary vengeance on those retainers of the Daimios who committed the outrage. Whatever course circumstances may compel Her Majesty's Government hereafter to pursue in order to bring home to the Government and nobles of Japan the conviction that such acts of violence will bring retribution on their heads, you, without instruction, could only look to the Japanese Government for redress; and it is satisfactory to find that Rear-Admiral Kuper concurred with you in the propriety of the course which you pursued.

In demanding redress from the Ministers of the Tycoon you have adopted the only course which was properly open to you, and when the result of your demand, which Her Majesty's Government hope to learn from you by the next mail, is known, the course which Her Majesty's Government will adopt towards Japan will be definitively settled.

No. 51.

Lieutenant-Colonel Neale to Earl Russell.—(Received February 3, 1863.)

(Extract.) *Yokohama, September* 30, 1862.

CONSEQUENT upon its having become known that the cortège some of the persons composing which murdered Mr. Richardson and wounded two other British subjects on the 14th instant, consisted of the uncle and retainers of the Prince of Satsuma, considerable attention has been directed on the part of all the Representatives of the Treaty Powers here, as well as by the local press, to the degree of independence with which this Prince is invested and how far he is amenable to the authority of the Tycoon and Government of Japan.

The Ministers for Foreign Affairs, when pressed upon this subject by myself and some of my colleagues, have avoided affording any direct information in reply to our inquiries, but they have explicitly avowed that they could not exercise any act directed against the person of the Prince or any of his adherents when within his own domains, even should it become necessary that any arrests should be effected by the agents of the Supreme Government in connection with the recent outrage.

Having made this avowal, the Japanese Ministers hastened, however, to add, that the Prince of Satsuma would no doubt act as might be required in obedience to the desire of the Tycoon and his Council.

No. 52.

Lieutenant-Colonel Neale to Earl Russell.—(Received February 3, 1863.)

My Lord, *Yokohama, October 1, 1862.*

IN my despatch of the 19th ultimo I had the honour to state to your Lordship that it was my intention to return immediately to Yeddo, for the purpose of seeking an interview with the Japanese Ministers respecting the recent murder and outrage committed upon British subjects on the high-road in this vicinity, the circumstances attending which I have fully reported to your Lordship by the last mail.

I accordingly went to Yeddo on the 22nd ultimo, in Her Majesty's ship "Euryalus," with Rear-Admiral Kuper, who concurred with me in thinking that the present was a most opportune occasion for himself to visit Yeddo with the flag-ship and other vessels, forming a small squadron, and with his Staff to be present at the projected interview with the Gorogio. The Admiral took with him Her Majesty's ships "Ringdove" and "Kestrel," in company, leaving Her Majesty's ship "Centaur" in the port of Yokohama, to render any assistance to the British community which might possibly become requisite.

The following day, the 23rd ultimo, having been fixed by me for my interview, and accepted by the Ministers (although, as usual, they had sought to postpone the meeting to a more distant day), I proceeded to their official residence, accompanied by the Admiral and suite, and by some of the officers of this Legation.

A discussion relating to the event which had occurred on the 14th ultimo ensued, a detailed record of which I have the honour herewith to lay before your Lordship.

It remains for me only to add, that the impression produced upon myself and upon Admiral Kuper by the general tone, spirit, and demeanour of the Japanese Ministers upon this occasion were of a most satisfactory nature.

The Ministers, though evidently much embarrassed by the circumstances attending the outrage under discussion (for the participators, without contradiction, consisted of the adherents and retinue of the Prince of Satsuma, one of the most powerful vassals of this Empire, and invested with high privileges and *quasi* independent powers in his own domains), still exhibited, in their replies to my observations, the most decided intention of acting to the utmost limits of their power while directing the arrest and punishment of the perpetrators of the outrage which had been committed.

Your Lordship will notice how explicitly and unreservedly the Gorogio acknowledged the relief I had afforded them by my resistance to the efforts made in other quarters to resort to immediate coercive measures at the first outset of excitement created in the public mind by the lamentable and sudden catastrophe which had occurred; nor did the Gorogio fail to comprehend the more satisfactory position in which I found myself, equally with themselves, by the course I had adopted: for while I now sought, in a just cause, to urge the immediate adoption of complete and effectual measures to bring the criminals to justice, the Japanese Government, unshackled by any intervening and unfortunate incident calculated to arouse popular emotion among their own people, calmly exercised the powers which the ordinary laws of this country afforded to them.

The first accomplishment of the assurances made to me by the Gorogio, as recorded in the Minutes, consists in their hastening to inform me, through one of the Governors of Foreign Affairs, on the morning following our interview, that a principal personage, who accompanied the cortège on the 14th instant, when the outrage was committed, had already been brought back to Yeddo, and would at once be subjected to a scrupulous and severe examination.

I have now deemed it just and expedient to await a reasonable number of days without further action on my part to enable the Japanese Government to go through their usual formalities while discovering the actual perpetrators and participators in this serious outrage. Should any tardiness be perceptible in the execution of the expressed obligations of the Ministers concerning this matter, I shall not fail to urge upon them the aggravation which would thus be added to the outrage itself.

The ultimate sentences passed on the offenders, when determined upon and communicated to me (a course usually practised by this Government), I shall abstain from approving or concurring in pending your Lordship's instructions, unless in such instances where capital punishments may be awarded, upon satisfactory proof that they have been or will be carried into execution. In respect to sentences of a minor degree of severity, I purpose to reserve the right of discussion.

Finally, in connection with this regrettable event, I am gratified to be enabled to

acquaint your Lordship that the British and other foreign communities residing in Yokohama have ceased to exhibit, as at first, any further active and embarrassing excitement, and appear disposed very properly to leave official action undisturbedly to take its rational course.

Your Lordship will remark that towards the close of my interview with the Japanese Ministers on the 23rd instant, I availed myself of the occasion to urge some direct questions upon their Excellencies respecting the intentions of the Government in regard to carrying out in good faith the conditions set forth in the Memorandum of the 6th June, agreed to by your Lordship in conference with the Japanese Envoys. The answers of the Ministers to my inquiries, which appeared to occasion them much embarrassment, sufficiently exhibit the slender probability of the several conditions agreed upon being carried into effect in the present stage of our relations with this country.

To what degree commerce is urgently and injuriously affected by the ill-faith of the Japanese Government is failing to give effect to the obligations accepted by the Envoys, is referred to in my despatch of the 14th of September upon the present state of our commercial relations with this country, and will be best judged of by your Lordship in connection with general political considerations.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 52.

Minutes of a Conference between Lieutenant-Colonel Neale and the Japanese Ministers for Foreign Affairs, held at their Residence in Yeddo, the 23rd of September, 1862.

Present:—Her Majesty's Chargé d'Affaires, accompanied by Rear-Admiral Kuper, C.B., Captain Josling, several officers of Her Majesty's ship "Euryalus" and of Her Majesty's Legation, and the Ministers for Foreign Affairs Itakoora Suwo no Kami, Midzuno Idzumi no Kami, and Miagowa Tambo no Kami, the President of the Second Council, and several Governors for Foreign Affairs; Mr. Alexander Von Siebold interpreting.

HER Majesty's Chargé d'Affaires presented Admiral Kuper as about proceeding to China to succeed to the command of the British fleet in China and in Japan. The other officers were presented. After the usual compliments,—

Her Majesty's Chargé d'Affaires.—I have come as arranged to hold this interview with your Excellencies upon the subject of the recent murder and outrage which has been committed upon the persons of unarmed and inoffensive British subjects by the cortège of a Daimio on the 14th instant.

Japanese Ministers.—We have to express our extreme regret at the deplorable event which has occurred.

Chargé d'Affaires.—I trust the Japanese Government appreciate and rightly understand the moderation with which both myself and the British Admiral have acted upon this occurrence being made known to us.

Japanese Ministers.—We have been thoroughly informed of all the circumstances, and sincerely thank Her Majesty's Chargé d'Affaires for the course which has been adopted. We are fully aware of the excitement which prevailed at Yokohama, and the coercive measures against the Daimio and his cortège which have been so urgently pressed in many quarters.

Chargé d'Affaires.—It was my duty to restrain that excitement by declining to adopt immediate measures of reprisal. By doing so I expected, and now continue to expect, to be in a better position to obtain a prompt and satisfactory action on the part of the Tycoon's Government.

Japanese Ministers.—This is so.

Chargé d'Affaires.—I now request to be informed what the Japanese Government have already done respecting this matter.

Japanese Ministers.—We have already taken active steps to arrest the guilty parties, but they are not yet in the hands of the Government. The Prince of Satsuma has been directed to send back to Yeddo a principal person attending the cortège.

Chargé d'Affaires.—When may he be expected to arrive—as he was not far from Yeddo when I wrote to your Excellencies, requiring that the guilty parties be at once arrested? Will he come alone, or accompanied by all the other persons who took part in this outrage?

Japanese Ministers.—He may be daily expected; he might be here this night. The actual murderers, if discovered, will also accompany him.

Chargé d'Affaires.—What will be done when they arrive?

Japanese Ministers.—The Government will examine into all the circumstances.

Chargé d'Affaires.—There can be little to inquire into respecting the main facts: one British subject has been killed and two wounded; all unarmed, and committing no act of aggression. What will be the punishments inflicted on the criminals?

Japanese Ministers.—By the Japanese law, he who kills another shall be put to death. He who wounds another will be punished according to the circumstances.

Chargé d'Affaires.—In this case the circumstances cannot possibly afford any extenuation of their guilt.

In respect to the promptitude with which the guilty parties should be arrested and punished, I speak as much in the interest of the Japanese Government as in the view of right and justice. A report of the outrage with all its details has been made by me to Her Majesty's Government.

In England it will produce excitement and indignation, especially as coupled with the previous outrage on Her Majesty's Legation at Yeddo. It would be of advantage to the Japanese Government, therefore, if I can report speedily to my Government that the Japanese Government are acting in this matter as promptly and energetically as I have a right to expect.

Japanese Ministers.—There are various forms which we are obliged to go through, but whatever we can do shall be done as speedily as possible.

Chargé d'Affaires.—The Japanese Government should bear in mind that the intelligence of the attack on the Legation and murder of two other British subjects is just at this period reaching England, when the intelligence of the present outrage is leaving Japan.

There is a fortnightly mail despatched to Her Majesty's Government, and I leave it to the Japanese Government to consider the consequences if I am unable to report that the Japanese Government are pursuing a satisfactory course regarding this matter.

Japanese Ministers.—We are aware of this.

Chargé d'Affaires.—What will the Japanese Government do if the Prince of Satsuma does not send the guilty persons?

Japanese Ministers.—The Japanese Government cannot arrest them in the territory of the Prince of Satsuma, but we are certain that the steps which have been taken will result in the production of the offenders.

Chargé d'Affaires.—After a reasonable number of days, if the criminals have not arrived, I shall urgently demand the reasons why the criminals are not in the hands of the Government, and so I leave for the present this subject. I now ask what has been as yet done since the occurrence of this outrage to prevent the same again being perpetrated (perhaps to-morrow) on the same road.

Japanese Ministers.—Guard-houses shall be erected along the road, and guards shall be stationed to protect foreigners. The distance, however, is great.

Chargé d'Affaires.—I do not wish to prescribe any particular mode of guarding the road, but the Japanese Government will be held responsible for due protection being afforded within the limits assigned by Treaty to foreigners.

What orders will be given to the guards when they are posted with regard to their duties when processions are passing along the road, within the limits referred to?

Japanese Ministers.—We would desire that every foreigner riding along the road be furnshed with a Japanese escort.

Chargé d'Affaires.—Is the Government prepared to furnish an escort to every foreigner riding along the road?

Japanese Ministers.—We are prepared to give escorts to persons riding along the road on the days on which Daimios may be passing. If these terms are accepted, the Governor of Kanagawa shall always communicate that Daimios are so passing.

Chargé d'Affaires.—I expect to be informed on each occasion in sufficient time to reply whether or not I can consent to this proposal, as it will, probably, result in my being asked to restrict British subjects from riding on the high road on these occasions; and this is a serious matter, as it would be foregoing Treaty rights.

Japanese Ministers.—We understand what the Chargé d'Affaires has said.

Chargé d'Affaires.—Generally it is my duty to protest against the proposed arrangement, as I do not understand why a Daimio should have the road to himself.

Japanese Ministers.—We only propose this to prevent troubles. We have no wish to prevent strangers going along the road.

Chargé d'Affaires.—The Government should adopt other measures to prevent these troubles.

If a Daimio is to pass with 100 men, they should have 200 Government guards to accompany them along the short distance of the high road referred to, to restrain them from committing outrages.

Japanese Ministers.—This would be difficult.

Chargé d'Affaires.—I repeat my question as to the orders to be given to the guards.

Japanese Ministers.—That must depend upon circumstances. The guards would turn out to prevent any collision between processions and foreigners.

Chargé d'Affaires.—I insist that no indignities shall be permitted to be practised upon British subjects. They must not be turned back or stopped, or caused to dismount.

I have been informed that the escort of the American and Dutch Ministers, when visiting the Gorogio two days ago, had filed off in single file, and obliged the Ministers to do the same on passing the retinue of a Daimio, thus giving up all but the whole road.

I do not intend to do that with my own escort. I insist upon having sufficient room to pass.

Japanese Ministers.—We should give orders, but there are great difficulties respecting these arrangements.

Chargé d'Affaires.—A strong Government as you have on another occasion stated that of Japan to be, ought to be able to insist on their orders being obeyed.

Japanese Ministers.—We shall give this subject our best consideration.

Chargé d'Affaires.—I wish it to understand that I have not assented to anything that has been proposed with regard to the road. When the arrangements of the Government are after consideration completed, and explained to me in writing, I will state whether they are satisfactory and consistent with Treaty engagements, and practicable as far as relates to British subjects.

Japanese Ministers assented.

Chargé d'Affaires.—I have next a serious question to put to your Excellencies: Why, in your request addressed to me, you named the 15th and 16th of this month as the days on which you wished me to request British subjects not to ride on the high road, while it was on the 14th that the Daimio of Satsuma was on the road, and the murder was committed by his followers?

Japanese Ministers.—We did make these notifications upon the passage of every Daimio, and this is the first time anything has occurred.

Chargé d'Affaires.—And yet these retainers of Satsuma, it is well known, were less under discipline than any others. I conclude by stating that the responsibility of whatever may occur will rest with the Government, if every possible measure within its reach is not adopted to afford efficient protection. If I even wished that British subjects should abstain from going on the tokaido or high road I could not prohibit them from doing so, as it would be contrary to the Treaty-right affecting this subject.

Japanese Ministers.—We desire to avoid anything which may occasion differences between the two Governments; and we acknowledge and consider, moreover, that the manner in which the Chargé d'Affaires has acted with regard to the recent event was directed to this end, for which we again repeat we are much obliged.

Chargé d'Affaires.—I have done what I considered to be my duty; but whatever I have done from prudential motives will not in any way affect the steps which the British Government may take on receiving intelligence of this outrage. I wish to inquire whether there is any objection to posting proclamations warning the people to abstain from unjustifiable interference with foreigners.

Japanese Ministers.—The people, if warned as desired by the Chargé d'Affaires, would be more likely to do the opposite of what they are desired to refrain from.

Chargé d'Affaires.—This is not the case in other countries which are properly governed.

Japanese Ministers.—Only disaffected persons would act as we have said.

Chargé d'Affaires.—Such persons should be treated accordingly. They should suffer extreme punishment.

Japanese Ministers.—We should like to do so if we could discover and arrest them.

Chargé d'Affaires.—It may be that eventually the British Government may some day find it expedient to assist you in doing so.

Japanese Ministers.—At present we will act ourselves if we discover who the guilty parties are.

Chargé d'Affaires.—I am anxious to take this opportunity of putting some questions

to your Excellencies relating to a subject quite distinct from those that have preceded.

I wish to inquire whether the Japanese Envoys in England have as yet reported to the Japanese Government respecting the Memorandum which had been agreed to and signed on the 6th of June by the British Minister for Foreign Affairs and themselves respecting the postponement of the opening of Osaca and the other ports, and the conditions attached.

Japanese Ministers.—We have not.

Chargé d'Affaires.—Does the Government intend carrying out all that the Envoys have agreed to?

Japanese Ministers.—We shall hear personally from the Envoys all that has been settled when they return, and will then consider the subject.

Other points, such as the opening of Tsusima (Satsuma), will be also considered.

Chargé d'Affaires.—Such delay in carrying out the conditions attached to the Memorandum is inadmissible, and was not contemplated by the British Minister. The opening of Satsuma was not one of those conditions.

Japanese Ministers.—The conditions agreed to have been carried out.

Chargé d'Affaires.—I have to declare to your Excellencies that none of the conditions agreed to have been carried out, and I must report accordingly to my Government.

Japanese Ministers.—It requires time to make analogous arrangements with other Governments. We cannot explicitly reply now, until the whole matter has been considered and completed; but we beg you to wait a short time, when we shall write to you on the subject.

Chargé d'Affaires.—England has already made certain specific concessions, under equally specific conditions, and these ought to be immediately carried out, or the whole of the agreement set forth in the Memorandum becomes equally inoperative. I have again to remind your Excellencies that my reports upon these, as well as upon other subjects, are transmitted to my Government by every fortnightly mail.

Japanese Ministers.—We promise to communicate all we have to say on this subject as speedily as possible.

The interview here closed.

No. 53.

Lieutenant-Colonel Neale to Earl Russell.—(*Received February* 3, 1863.)

My Lord, *Yokohama, October* 9, 1862.

I HAVE the honour to lay before your Lordship a copy of a letter I have received from Captain Vyse, Her Majesty's Consul at this port, affording some additional particulars connected with the murder of Mr. Richardson.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 53.

Consul Vyse to Lieutenant-Colonel Neale.

(Extract.) *Kanagawa, September* 30, 1862.

I HAVE the honour to inform you that, in consequence of a report being in circulation at Yokohama that the late Mr. Richardson was still alive when he fell from his horse, and that he was butchered in cold blood by certain Japanese armed men on the afternoon of Sunday, the 14th of September, I deemed it to be my duty to make inquiry into the truth of this frightful aggravation of crime by which the death of C. L. Richardson was hastened. I did so on Sunday, the 28th September, and it is now my painful task to lay before you the information given by a Japanese woman.

The woman recollected seeing a foreigner fall from his horse, on the afternoon of the 14th of September; he had a large wound in his stomach; went up to him, and he immediately asked for water, but she took him none, because too much afraid. Afterwards saw him drinking from a bottle (Mr. Richardson is known to have taken a bottle of champagne with him slung upon his arm). She asked him to get off the tokaido, because, on looking up the road, she saw that a Daimio's cortège was approaching. She saw one of the advance guard of the train draw his sword and attempt to cut

the wounded foreigner's throat, but was prevented by his putting up both his hands; one of his hands was then cut away; more men came up, drew their swords, and hacked him; finally, one of them caught him by the beard and cut his throat; they then covered up the body with straw and went on.

In reply to some questions the woman said she did not recollect any orders being given by any person in a norimon; recognized that the train was composed of Satsuma's men, but does not know the name of the chief personage in the procession. The woman further stated that an interval of about ten minutes or a quarter of an hour elapsed from the time the foreigner fell until the men came up and cut Mr. Richardson's throat.

I have thought it necessary to put the foregoing information on record, with a view to having it placed before Her Majesty's Government, and I trust you will approve of my having done so.

No. 54.

The Secretary to the Admiralty to Mr. Layard.—(Received December 26.)

(Extract.) *Admiralty, December 26, 1862.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, copy of a letter this day received from Vice-Admiral Sir James Hope, dated the 15th October, relating to Japan, with copy of its inclosure.

The mail for Japan will be dispatched on the 29th instant.

Inclosure 1 in No. 54.

Vice-Admiral Sir J. Hope to the Secretary to the Admiralty.

My Lord, *"Coromandel," Shanghae, October 15, 1862.*

HEREWITH I forward a further correspondence addressed to me by Rear-Admiral Kuper, relative to the outrage detailed in that transmitted in my letter of the 1st instant, from the tenor of which I am led to hope that the Government of Japan will be prepared to afford such satisfaction as that of Her Majesty shall deem adequate.

I have, &c.

(Signed) J. HOPE.

Inclosure 2 in No. 54.

Rear-Admiral Kuper to Vice-Admiral Sir J. Hope.

Sir, *"Euryalus," at Nagasaki, October 9, 1862.*

IN continuation of my letter of the 20th ultimo, I have the honour to inform you that having, as proposed, accompanied Her Majesty's Chargé d'Affaires to Yeddo, I was present at the interview with the Gorogio on the 23rd ultimo.

2. After the usual compliments, and the introduction of myself and Staff, the Japanese Ministers proceeded to express their deep regret at the recent tragical event. They had understood and appreciated the moderation with which the British Chargé d'Affaires and the Admiral had acted; and they had taken steps which they were confident would prove successful for the apprehension of the persons concerned in the outrage committed by the retainers of the Prince of Satsuma. They also promised that the punishments merited should be impartially awarded.

3. Colonel Neale next inquired what precautions the Government had taken to guard against a recurrence of the outrage by providing for the security of foreigners moving along the tokaido. He explained that the entire responsibility would rest with the Japanese authorities, but that, whilst abstaining from prescribing any particular measures to be adopted, he insisted upon the road being rendered safe.

4. In answer to this, the Japanese Ministers stated that it was the intention of the Government to erect guard-houses along the tokaido, and that the guards would have orders to prevent any collision taking place between foreigners and the processions of the Daimios; but as if conscious of their weakness in this respect, and of their inability to

effect a change in their long-established customs as to the road being clear for a Daimio to travel, they proposed that persons riding on the tokaido when Daimios were expected to pass along it, should be furnished with escorts, which the Government would be prepared to afford, &c.

5. Against such an arrangement, however, Colonel Neale protested, demanding of the Japanese an immunity from danger for British subjects and other Europeans, and a fulfilment of the Treaty obligations. To this the Japanese promised to give their attention, agreeing also to submit, for the consideration of the Chargé d'Affaires, the means they were prepared to adopt to ensure the security of the high-road.

6. Throughout this discussion there appeared not only a considerable amount of alarm on the part of the Japanese Ministers as to the probable effect the recent occurrence would have when intelligence of it should reach England, but there was also an evident anxiety to do all they could to afford satisfaction for the outrage, and they exhibited a strong desire (as they themselves expressed it) to avoid everything which might interrupt the relations between the two countries.

7. I may add that on the evening previous to our departure from Yeddo (25th September), a communication from the Ministers for Foreign Affairs was received at the British Legation, informing Colonel Neale that the head man of the cortège concerned in the murder of Mr. Richardson had been brought to Yeddo.

I have, &c.

(Signed) AUGUSTUS L. KUPER.

No. 55.

Lieutenant-Colonel Neale to Earl Russell.—(Received December 26.)

My Lord, *Yokohama, October 21, 1862.*

I HAVE the honour to lay before your Lordship the accompanying correspondence between the Japanese Government, British community of Yokohama, and myself, with reference to the insecurity of the tokaido or high-road in this vicinity, one of the localities resorted to for the purposes of recreation.

It only remains for me to add, that I continue to be well assured that the Japanese Government is adopting every measure which could be contemplated as within its reach, to secure with safety to foreigners the privilege accorded to them by Treaty, of frequenting the high-road within the limits assigned.

I am this morning informed that a new road, running in a parallel direction with the former one, has been already commenced, and will be opened for the passage of Daimios and their retinues in the course of a month, thus affording every hope that there will be no recurrence of the recent lamentable collision and outrage which resulted in the murder of Mr. Richardson, and the wounding of two other British subjects.

I have, &c.

(Signed) EDW. ST. JOHN NEALE.

Inclosure 1 in No. 55.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication.

At this present moment, Nitsooko Dziooko, a Maya* of respectability, is travelling from Miako to Yeddo, and will pass the night at Kanagawa, on the 21st instant (October 14th). Owing to his high position, he travels with a large number of retainers, who proceed on the road in a very irregular manner, and most of whom are unacquainted with the circumstance of foreign nations (being admitted into this country), we, therefore, fear some misunderstanding might arise between the two parties, and after the late unfortunate occurrence, our anxiety is greater still, and we are in a state of trepidation for the future, whether the continued intercourse between the two countries might not suffer from a sudden misunderstanding.

We do not wish to put any obstacles in the way of British subjects moving abroad, but on account of the above we request you kindly to settle matters so as to prevent their meeting the said personage.

Now, in order to explain to you more fully our motives and feelings, we have sent

* Maya, a Mikado's retainer.—R. E.

the Governors for Foreign Affairs to Kanagawa, for this purpose only, so that, assisted by the Governor of that town, they might explain the whole to you; therefore, we beg of you to accede to our request.

We annex the names of the places where the said personage is to stop and pass the night.

With respect and consideration.

17th of 8th month of 2nd year of Bung-kew (October 10, 1862).

(Signed) WAKISAKA NAKATSOOKASA NO TAYU.
MIDZOONO IDZOOMI NO KAMI.
ITAKOOLA SOOWO NO KAMI.

Route of Nitsooko Dziooko.

20th instant (October 13), stops at Enosima, sleeps at Toukinosita.
21st instant (October 14), stops at Kanasawa, sleeps at Kanagawa.
22nd instant (October 15), stops at Kawasaki, sleeps at Sinagawa.

Inclosure 2 in No. 55.

Notification.

WHEREAS by a Notification of September 15th, British subjects have been generally cautioned respecting the insecurity attending riding or walking on the tokaido, until the Japanese Government should have completed the measures upon which they are at present engaged, the Undersigned, Her Britannic Majesty's Consul, has received instructions from Her Majesty's Chargé d'Affaires to issue a further and special Notification, to the effect that the Japanese Government have earnestly requested him to caution British subjects that a high personage, the son of a former Mikado, will pass along the road from Miako to Yeddo, accompanied with a numerous retinue, on the 15th, 16th, and 17th instant, when he will be at the places respectively mentioned below.

The Undersigned has also been instructed to inform those under his jurisdiction, that although the former Notification remains in force until complete measures of security are adopted, it is, nevertheless, advisable that this special communication should be made known to British subjects, the Japanese Government having expressed their great fear lest any recurrence of the recent lamentable event should take place.

British Consulate, Kanagawa, October 12, 1862.

(Signed) F. HOWARD VYSE,
Her Britannic Majesty's Consul.

October 15th, stops at Enosima, sleeps at Toukinosita.
October 16th, stops at Kanasawa, sleeps at Kanagawa.
October 17th, stops at Kawasaki, sleeps at Sinagawa.

Inclosure 3 in No. 55.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication.

Owing to Nikko Dziooko's return from Kioto to his temple at this present moment, we sent you a written communication, and, moreover, gave orders to the Governors for Foreign Affairs to call on you in order to explain the circumstances of the case to you.

But Inowoo-eh Sinanono Kami and Abbay Etsizamo Kami (the said Governors) have furnished us with a faithful report of what you communicated to them, viz., that as our communications with regard to the free use of the road, within the limits for the recreation of foreigners, are so frequent and so endless that the stipulations of the Treaty in that respect are being completely done away with, you cannot accede to our request. We have understood this, and you are perfectly right.

But as the said Governors told you in person, we have much anxiety.

Concerning the erection of the watch-houses on the tokaido, and within the limits prescribed for the walks of foreigners, on which subject you wrote to us in your despatch of the 16th September, we immediately gave orders first to build the said watch-houses on the tokaido, as was agreed at the interview between you and Toyama Minono Kami at Yokohama on the 18th September, and afterwards repeated at our interview with you. As the said watch-houses are on the point of being completed, the officials on duty will

be sent thither by degrees for the purpose of protection. Moreover, we have determined on making a new road, and we are always busy devising every possible means (of protection). Therefore taking our good intentions into consideration, we beg of you once more to deliberate whether it is not possible to accede to our request.

We shall, of course, not always ask you to stop the walks; but in future we may, perhaps, beg your kind interference in the walks, &c., until the above-mentioned arrangements are completed; therefore it is desirable you will understand this beforehand.

With respect and consideration.

20th of 8th month of 2nd year of Bung-kew (October 13, 1862).

(Signed) MIDZOONO IDZOOMI NO KAMI.
ITAKOORA SOOWO NO KAMI.

Inclosure 4 in No. 55.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, October 14, 1862.

IN answer to your despatch of the 13th instant, relative to the passage of Nikko Dziooko through Kanagawa on his way to Yeddo, and also referring to precautionary measures to be taken for the protection of foreigners within the ten *ri*, I have the honour to inform you that considering the urgency of the present case I am willing on this occasion to accede to your request. But I must beg of you to let me know explicitly what is the probable time in which the said arrangements can be completed, as it is impossible that British subjects can be exposed to danger on the high-road for a protracted period.

With respect and consideration.

(Signed) EDW. ST. JOHN NEALE.

Inclosure 5 in No. 55.

Messrs. Gower, Baillie, and others to Lieutenant-Colonel Neale.

Sir, *Yokohama, October* 13, 1862.

WE, the undersigned British merchants and others, beg most respectfully but firmly to protest against your Excellency's Notification of date 12th instant.

We protest for the following reasons:—

1. Because the notification is directly opposed to the letter of the Treaty in Article III, where it is agreed by the Japanese Government that "British subjects shall be free to go where they please within ten *ri* in any direction round Kanawaga," with one exception.

2. Because it is opposed to the spirit of the Treaty, which was obtained by moral force, and can only be upheld by firmness.

3. Because it is the recommencement of further concessions to the jealousy of the Japanese Government, and is opposed both to your Excellency's Notification of the 21st August last, in which you notify that you are "instructed by Her Majesty's Government to say that Her Majesty's Government are willing to make these large concessions of their rights under Treaty [in reference to the postponement of the opening of Osaca and Ne-e-gata, &c.], but that Her Majesty's Government expect that the Tycoon and his Ministers will in all other respects strictly execute at the ports of . . . Kanagawa, all the other stipulations of the Treaty, to which the Japanese Government are now doubly bound by special agreement;" and also to Earl Russell's instructions to Mr. Alcock of date November 23, 1861, in the following terms, "You must understand from the spirit of these instructions that you are not to make concessions without equivalents; that so far from restricting or abandoning the trade of Japan, you are to maintain, and if possible enlarge it; and that you are to preserve undiminished the reputation of the British name."

4. Because repeated concessions will only lead to further demands on the part of the Japanese.

5. Because a threat of further assault is hinted at in case of non-compliance, and this, if yielded to, must necessarily lead to one of two terminations, either our abandoning the trade of Japan or a war "to preserve the reputation of the British name."

6. Because the late murderous assault justifies your Excellency in taking a stand, holding the Government responsible for the safety of British residents, and refusing any further concessions until the measures to be taken by Her Majesty's Government shall have been known.

7. Because Japanese duplicity and chicanery will give way before firmness, as shown on a recent occasion at Hakodadi, in a question between the French Commander Comte d'Harcourt and the Governor of that port.

8. Because in Hakodadi, and lately in the streets of Yokohama, many have seen Russian officers treated with the utmost respect and deference by Japanese officials, which the natives themselves attribute to the firmness displayed by the former in their dealings with the Japanese Government.

9. Because the object aimed at by the Japanese Government is evidently, not only in this but in every other measure they have recently taken, to bring foreigners back to the original position of the Dutch in Desima, a position out of which European nations have emerged with so much difficulty and expense.

Further, we have most respectfully to request your Excellency will be good enough to forward by the earliest opportunity a copy of this protest to Her Majesty's Principal Secretary of State for Foreign Affairs.

We have, &c.
(Signed) S. J. GOWER.
(And 45 others.)

Inclosure 6 in No. 55.

Lieutenant-Colonel Neale to Messrs. Gower, Baillie, and others.

Gentlemen, *Yokohama, October* 21, 1862.

I HAVE to acknowledge the receipt, on the 18th, of your letter dated the 13th instant, in which you protest against the Notification issued by Her Majesty's Consul on the 12th instant, under my instructions.

It is essential that I should point out to you that the notification referred to does not imply the abandonment or concession of the Treaty rights you refer to. It became my duty to warn British subjects of the risk of outrage or injury they might very possibly incur by availing themselves of those rights (affecting only their pleasure excursions in one direction within the limits), until such risks were removed.

The circumstances under which the Japanese Government requested the temporary withdrawal of foreigners from the high-road on a special occasion are sufficiently set forth in the Notification itself.

With respect to the proceedings and action of the Japanese Government, with which I have been in frequent communication regarding this subject, I have the satisfaction to acquaint you that the local authorities are at present engaged in adopting every arrangement which can reasonably be expected, or within their reach, to avert further chance of insult or injury to foreigners, comprising even the project of constructing a separate road for the passage of Daimios and their attendants.

When such precautionary measures as those adverted to, and which are of no trifling nature, are completed, due notice will be given.

In the meanwhile I must request you to be assured that I am perfectly alive to the necessity of urging the Government to the accomplishment of its obligations in this matter, as in all others affecting Treaty rights and privileges, tempered, however, with due consideration for the difficulties attending the internal situation of this country, agitated as it is by its state of active transition from entire seclusion to an unwilling intercourse with foreigners; and consistently also with British interests, which do not admit of my urging a Government so situated to extremities, the result of which would be total inaction on its part and a forced resignation to whatever disasters might ensue.

In conclusion, I have to inform you that in accordance with your wishes, a copy of your letter now under reply shall be transmitted to Her Majesty's Secretary of State for Foreign Affairs.

I have, &c.
(Signed) EDW. ST. JOHN NEALE.

No. 56.

Lieutenant-Colonel Neale to Earl Russell.—(Received December 26.)

(Extract.) *Yokohama, October 29, 1862.*

AFTER awaiting for two weeks a promised communication from the Japanese Government respecting the result of their investigation into the lamentable outrage which occurred in this vicinity on the 14th ultimo, resulting in the murder of Mr. Richardson and the wounding of two other British subjects, I received from the Ministers a letter, the translation of which I have the honour to inclose.

I deemed it to be my duty to address their Excellencies in reply, urging upon them the necessity of furnishing me with a far more explicit statement in regard to the measures they were adopting to bring the criminals to justice, and the expectations which they entertained of accomplishing that object. A copy of my letter I have the honour herewith likewise to inclose.

But anxious lest your Lordship should consider the language which I employed prematurely urgent, I have the honour to remark that I have been impressed with inquietude lest the Japanese Government, oppressed by the difficult position in which it finds itself on this occasion, under circumstances which involved the adoption of peremptory measures affecting the Prince of Satsuma, should indulge the hope that by procrastination and delay some more easy solution might present itself than the prompt and condign punishment of all the adherents of high and low degree belonging to that powerful Daimio who had taken part in the flagrant outrage which had been committed.

The Japanese Ministers have replied to my remonstrances by a letter, a copy of which is inclosed, and the tone of which appears to me to convey a due sense of the responsibilities which weigh upon the Tycoon's Government in this matter; and, unprepared as I am while awaiting your Lordship's instructions to press upon the Ministers the immediate accomplishment of any definite act in connection with it, I propose to restrict myself to demanding, from time to time, in urgent terms, the speedy arrest of the offenders, but abstaining from any pre-indication of opinion on my part with regard to the nature or degree of reparation upon which Her Majesty's Government may deem it expedient in due course to insist.

Having thus brought under your Lordship's knowledge the present stage of my action under the circumstances attendant upon the event to which this despatch relates, I have the satisfaction of adding that, in respect to the adoption of every effort on the part of the Japanese Government to avert the recurrence of a similar catastrophe, there are no just grounds of complaint. Fifteen guard-houses, containing five well-armed men in each, are already established along the portion of the high-road frequented by foreigners, and I am assured that in the course of two months a new road, diverging from that which is now generally used, will be completed, upon which Daimios and their retinues will pass to and from Yeddo until they are beyond the reach of all collision.

While recording the fact that so efficacious a measure, directed to ensure to foreigners their personal safety and Treaty rights, and effected only by surmounting the pride and jealousy of the higher classes of its own subjects, all but emanated from the Japanese Government itself, it is with no small gratification that I find myself further enabled to report to your Lordship that, according to the information which has reached me from several sources, and fully accredited, the Tycoon's Government has resolved upon the important act of relieving the Daimios from their attendance at the Court in Yeddo, save at long and stated intervals, and that their wives and families are free to accompany them. Considerable retinues are already passing along the tokaido to the provinces.

A principal result of these measures, constituting a radical change in the oldest institutions of the present Dynasty, will be that from 200,000 to 300,000 two-sworded retainers of Daimios will evacuate Yeddo, a class from among which has arisen every personal outrage or injury which has hitherto occurred to foreigners in Japan.

Inclosure 1 in No. 56.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication.

In order to examine those persons who murdered and wounded some British subjects on the road between Kawasaki and Kanagawa, we summoned the chief retainer of Simadzoo Sabio to appear before us, but it is impossible to do justice without examining the murderers and the persons concerned (in the assault); therefore we have instructed

Matsdaira Suzino Daiboo to bring the said persons without delay before us. But as they have to come from a great distance, much time may elapse before their arrival. However, as soon as they do come, they will be examined without delay, and the result will be communicated to you from time to time.

We now send you this beforehand.

With respect and consideration.

16th of 8th month of 2nd year of Bun-kew (October 9, 1862).

(Signed) WAKISAKA NAKATSOOKASA NO TAYU.
MIDZOONO IDZOOMI NO KAMI.
ITAKOOLA SOOWO NO KAMI.

Inclosure 2 in No. 56.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, October 12, 1862.

SEVENTEEN days have now passed since your Excellencies sent a Governor of Foreign Affairs to inform me that Yama Kootsi Higogolo, a high officer of the Prince of Satsuma, had been brought back to Yeddo, and would undergo a strict examination respecting all the facts connected with the murder and outrage committed upon British subjects, on the 14th of last month, by the adherents forming the cortège of Shimadzoo Sabooro, the father of the Prince of Satsuma.

The Governor, at the same time, informed me that the officer above mentioned was brought to Yeddo, as being the person best acquainted with the facts which had occurred.

Yesterday (October 11th) I received with great surprise and regret your Excellencies' letter acquainting me that the Japanese Government had not succeeded in obtaining any information from the officer in question, and that the difficulties and delays attendant upon finding, arresting, and bringing to trial the actual perpetrators of the barbarous deed would occupy a long period of time.

Such a communication, I need hardly remark, is serious and unexpected, and will be received with high dissatisfaction by Her Majesty's Government, to whom it will be my duty to transmit it by the earliest opportunity.

It is equally my duty, in the meanwhile, solemnly to warn the Government of His Majesty the Tycoon that procrastination and delay will be of no avail ultimately in screening the criminals, of whatever rank, who participated in the barbarous deed which has been committed.

The Japanese Government, through your Excellencies, has assumed a grave and serious position in its relations with a great and powerful nation. Great Britain is in peace and amity with Japan, and the Japanese Government has treated with neglect and indifference the gross outrages which have been suffered by British subjects. Respecting two of these outrages the determination and decision of the British Government remains yet to be known. In the meanwhile, the proceedings of the Japanese Government are as if the serious events which have occurred would be attended with no results.

Upon the occasions of the serious outrages which have occurred, I have abstained from urging, or pressing hurried or precipitate action upon the Japanese Government. I have waited a reasonable term for the completion of usual formalities of Japanese forms of justice, and for the accomplishment of your assurances; and you have acknowledged the moderation with which I have acted.

In the present instance, your communication, under the plea of a necessary delay, after allowing the murderers to return to the Prince of Satsuma's domains, which you say are very distant, amounts to a denial of all redress; and I shall so consider it, and report the proceedings of the Tycoon's Ministers to Her Majesty's Government, unless within the space of ten days from this date I receive such satisfactory, unreserved, and detailed information as to the real causes of this futile and dilatory action, under the circumstances immediately in question, and as to the actual time necessary for the arrest and punishment of the criminals, as can be understood and accepted by me, as the Representative of a great nation which will not patiently bear the outrages which have been committed on its subjects, nor view them with indulgence, until proofs are afforded of a better and more serious disposition to redress them than is evinced by the Tycoon's Government, as shown in your present communication.

A serious and urgent communication.

(Signed) EDW. ST. JOHN NEALE.

Inclosure 3 in No. 56.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE have received your despatch dated October 12th, in which you complain of the delay in the examination of the persons who participated in the murder of two British merchants.

You are perfectly correct when you compare it with the law of your country; but, although our Government examines the crime and inflicts punishment on the criminal, yet, when the retainer of any Daimio commits a crime, the old established law of the country demands that our Government shall instruct the Prince to arrest him and hand him over to them; thus, at the late (sad) occurrence, in accordance with this law, orders were given to Matsdaira Sinlino Daiboo to hand over the murderers to the Government.

Whilst this is going on we communicated to you that some time might elapse before anything definite could be done; but, in replying to us, you suppose it is an intentional delay on our part in order to deny you all redress, but we do not foster such unfriendly feelings.

As the orders have been given to bring before us several persons, it is evident that after the culprits have been discovered they will be condemned to the punishment they deserve, notwithstanding some time may elapse before these persons are handed over to our Government by the said Prince.

But as it is impossible to put aside the law of the land, and we cannot, therefore, settle this matter as soon as you desire, we request you to take the aforesaid into consideration, and to write in such terms to your Government that the friendly relations between the two countries be preserved, and we doubt not it is incumbent on you to await the result of our judicial proceedings.

With respect and consideration.

28th of 8th month of 2nd year of Bung-kew (October 21, 1862).

(Signed) MIDZOONO IDZOOMI NO KAMI.
ITAKOOLA SOOWO NO KAMI.

No. 57.

Earl Russell to Lieutenant-Colonel Neale.

Sir, *Foreign Office, December* 27, 1862.

HER Majesty's Government approve your proceedings, as reported in your despatch of the 21st of October and its inclosures, with reference to the temporary insecurity of that portion of the tokaido or high-road to which foreigners are entitled to resort under Treaty.

I am, &c.
(Signed) RUSSELL.

MADAGASCAR.

RETURN to an Address of the Honourable The House of Commons, dated 5 June 1863;—*for*,

"COPIES or EXTRACTS of PAPERS relating to the CONGRATULATORY MISSION to King *Radama* of *Madagascar*, on his Accession to the Throne in 1861:"

"And, of CORRESPONDENCE and PAPERS relating to the MISSION to *Madagascar* in 1862, for the Purpose of presenting the PORTRAITS and PRESENTS sent by Her Most Gracious MAJESTY to King *Radama*."

Colonial Office, 24 July 1863. } C. FORTESCUE.

(*Mr. Lefroy.*)

Ordered, by The House of Commons, *to be Printed*, 28 *July* 1863.

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COPIES or EXTRACTS of PAPERS relating to the CONGRATULATORY MISSION to King *Radama* of *Madagascar* on his Accession to the Throne in 1861:— And, of CORRESPONDENCE and PAPERS relating to the MISSION to *Madagascar* in 1862, for the purpose of presenting the PORTRAITS and PRESENTS sent by Her Most Gracious MAJESTY to King *Radama*.

— No. 1. —

(No. 172.)

No. 1.
Governor Stevenson, C.B., to His Grace the Duke of Newcastle, K.G.
23 Sept. 1861.

COPY of a DESPATCH from Governor *Stevenson*, C.B., to his Grace the Duke of *Newcastle*, K.G.

Mauritius, 23 September 1861.
(Received, 11 November 1861.)
(Answered, No. 560, 26 November 1861, page 10.)

My Lord Duke,

I HAVE the honour to transmit a letter to the Queen, which has been addressed to Her Majesty, and sent to my care by King Radama, of Madagascar, long known to the English, and to this island, as the liberal and Christian Prince "Rakota Radama," announcing the death of the late Queen Ranavalo, and his accession to the throne under the title of Radama II.

Enclosure No. 1.
Letter from King Radama to Her Majesty.

2. A similar communication has been made to myself, and I proceed to report to your Grace the course which I have thought it right to adopt for acknowledging in a somewhat unusual, but in the most politic and complimentary manner I could adopt, the courtesy of the King in making this communication, and the satisfaction that has been felt in this island, at the liberal commercial policy which accompanied his first acts of power—a policy which your Grace is well aware is of great importance to this island as well as to the neighbouring colony of Bourbon, and a probable forerunner of a new and hopeful destiny for Madagascar.

3. When the intelligence of the death of Queen Ranavalo first reached this island, which it did indirectly through the island of Bourbon, there were circulated various rumours with regard to the future affairs and Government of Madagascar. It was said that Prince Radama had written to invite a protectorate of France or of England, or of both; that there would be a protectorate, whether he had invited one or not; that private persons had gone to Madagascar, accompanied by priests and Jesuits, upon various enterprises; that large grants of land had been made or offered to private persons; and that companies were to be formed for agricultural, mining, and other purposes; and various rumours of a political character were also received here through the same channel, and freely circulated as well founded reports, or as conjectures founded upon reliable bases. It was also said that the rival of Prince Radama to the throne was a nephew of the late Queen's, Prince Rambousalam, who aspired to the accession of the whole, or at all events of a portion, of the kingdom. All these reports, although very vague, may probably have had some foundation for their support, and, as there were for some time no direct communications from Madagascar, there was some apprehension here that the events at Madagascar, whatever they might be, would be followed by some inconvenient disturbance of the "cattle trade" between this island and Madagascar, the amicable continuance of which was a matter of very great importance to us as well as to our neighbours at Bourbon, our supplies being wholly derived from that source; and in the meantime the price of beef became very greatly enhanced, and threatened to become still more so. These fears were subsequently allayed by the intelligence of the death of Prince Rambousalam, and of the undisturbed possession of the throne by King Radama; and the news which was brought here, of the liberal manner in which trade and commerce were to be encouraged by King Radama, and of the favourable views

which he had declared respecting the spread of education and Christianity among his people, gave cheering prospects of the advantages that would result to the population of this island, and to its trade and commerce generally, if such liberal views were encouraged; and a continuance of our present friendly intercourse with Madagascar were insured, without chance of further interruption, and with the prospect of still more liberal commercial openings to ourselves and to our neighbours for the purposes of fair and legitimate trade.

Enclosures 2, 3, and 4.

4. The letter which I received under the hand of King Radama, and the others which accompanied it, and which I have the honour to transmit, afforded me an opportunity of making an acknowledgment of the courtesy in such terms as would probably be acceptable, and at the same time conveying an assurance to the King, of the high appreciation in this colony of the liberal views he had exhibited. The enclosure (No. 2) announces the death of the Queen, and the accession of the King under the title of Radama II. The enclosure (No. 3) announces the orders that had been given for immunity from duty (so far as I understand it) on all imports and exports from Madagascar; and enclosure (No. 4), from the principal Secretary of State, intimates a wish that an envoy should be sent charged with congratulations to the King, and announces that the approach to the capital would be without impediment, "as in the days of the Great Radama."

King Radama II. to Governor of Mauritius.

King Radama II. to Governor of Mauritius, dated 20th August 1861.

Ra Haniraka, Principal Secretary of State, to Governor of Mauritius, dated 16th August 1861.

5. I considered it insufficient to reply to this letter, and to these friendly overtures, by a mere response in writing, or to disregard the feeling which prompted the invitation to send a complimentary message of acknowledgment and congratulation; and, knowing how important to this Colony would be the continuance of its free and open trade with Madagascar, and how essential it would be for that island itself, that the liberal views of the King should be promptly responded to, and openly and publicly acknowledged, I had no hesitation in coming to the conclusion that a letter of courtesy, sent by the hands of special and well-selected messengers, would not only be most acceptable to the King, but be followed by happy consequences to the future welfare of that country, by the assurance which would be conveyed to the people of that island, that the liberality of their present Monarch (in contrast with the most repugnant policy of the late Queen) had been approved by his neighbours, and was best adapted to the welfare of themselves and their country. Upon communicating these views to one or two of the principal officers of this Government, I found that they met with a ready support; and acccordingly I had no hesitation in carrying them out in a manner which has since met with the approval of the Council, and I believe of the community at large.

6. I thought it right, when sending this message of compliment and congratulation, not only to do so in as open and public a manner as possible, but to select several officers and gentlemen of such position as would impress the compliment with still greater importance; at the same time, I carefully excluded from those whom I selected, all persons who had been in any way concerned in former enterprises or adventures (private, political, or religious), in connection with the island, or whose perfect neutrality with regard to all past differences could be in the slightest degree called in question. I also desired to place among the number some gentlemen who were thoroughly acquainted with the general trade, arts, and pursuits of this country, in order that (if asked) they might afford any reliable information that was required upon any of those subjects.

7. The officers and gentlemen whom I selected were Lieutenant Colonel Middleton, C.B.; Lieutenant Marindin, R.E., a member of my own personal staff; Mr. Newton, the Assistant Colonial Secretary; Mr. Mellish, a merchant of Port Louis; Mr. Caldwell, the interpreter of languages, and a gentleman of very general and accurate information; and a medical officer selected by Colonel Middleton, to accompany the party. I had a great many applications from other gentlemen who desired to be joined in this complimentary mission; some of whom I rejected for the reasons already stated, and others because my list was already full.

Enclosures 5, 6, 7, & 8. His Excellency the Governor to King Radama II., of 26th September 1861.

8. I have the honour to transmit copies, of (1) my letter to King Radama, (2) my letter of credential or introduction of the gentlemen who composed the mission, (3) my memorandum of instructions to Colonel Middleton, as to the course that should be pursued, and the cautions that should be observed, and (4) a subsequent memorandum expressive of my wish that no person who had proceeded

to

to Madagascar, or who might be about to do so, on their own accounts, or for any other purposes, should be allowed to engraft themselves on my mission, or become identified with it; this latter document I wrote advisedly, as I had heard of many private adventurers who had gone, or who were going, to Madagascar, and desired to avoid all suspicion, by the people of Madagascar, or by any of our neighbours, of having any other object than that of compliment and congratulation, which my letter to the King discloses; at the same time I authorised the Colonial Secretary to reply to the letter of the Secretary of State in the terms of the letter of which the enclosure (9) is a copy.

The Governor of Mauritius to King Radama II., of 20th September 1861.

His Excellency's instructions to Colonel Middleton, of 20th September 1861.

His Excellency's subsequent memorandum of instructions to Colonel Middleton, of 20th September 1861.

Enclosure No. 9.

9. I have reason to believe that similar communications have been made to our neighbours at the Island of Bourbon; and I have no doubt that the liberal views of the new King will be met by them in the same good spirit, and I sincerely hope that the friendly encouragement of our two countries (England and France) will help to give assurances to King Radama, which will tend to the advancement and improvement of his splendid but neglected country.

10. At the first subsequent meeting of the Council which took place on the 20th instant, I fully explained to the Board the letters I had received, the course I had pursued, and the objects I had in view, announcing at the same time that I had authorised, in anticipation of their vote, an advance for the expenses of the mission, of which the particulars should be placed before them at a future meeting. This was fully approved; and it was proposed, and unanimously approved at the Council, that according to the usage of former days, and the customs and expectations of Madagascar, the mission should not go empty handed, but should be the bearers of handsome and substantial tokens of the general appreciation, by the people of this Colony, of the liberal policy, in trade and commerce, which had marked the commencement of the new King's reign; and I was urged to propose and allow a resolution to pass for the expenditure of such sum as would be necessary for that purpose, the sum proposed being 2,000 *l.*

11. This was so strongly approved by the Council that I felt no hesitation in acquiescing in the proposal; and a vote was accordingly proposed and unanimously carried, for the expenditure of a sum not exceeding 2,000 *l.*, in the purchase of these presents and testimonials. Of this sum I authorised about one-half to be at once laid out, in anticipation of your Grace's sanction, leaving the rest to be purchased in England and sent at a future time, when I hoped that the reply which might be expected from Her Majesty to the letter of King Radama, would furnish opportunity of forwarding the remaining gifts from the Colony. Should Her Majesty desire to accompany Her Royal answer with a token from herself, as for instance Her Majesty's picture, I shall be happy to be instrumental in forwarding it.

12. I was the better pleased to sanction this resolution, as it emanated from an honourable member (Mr. Antelme), who, while thoroughly English in his views and liberal policy, and in all that concerns trade, commerce, government, and international intercourse, is, at the same time, thoroughly French in his nationality; and therefore the proposal of the honourable member must have completely allayed any notion that could possibly have arisen among some of our neighbours, that there could have been anything designed by this complimentary mission beyond that which was plainly expressed in my letter to King Radama and in my statement to the Council; and I may add that I have been most careful, in all that I have done, to avoid all possible misinterpretation of the object of this mission.

13. The Minutes of the Council, which contain these proceedings and resolution, are transmitted for your Grace's information.

Enclosure No. 10. Not printed.

14. Part of the amount so voted (about 1,200 *l.*) has been laid out, as judiciously as local circumstances permitted, in the purchase of such presents and testimonials as were considered likely to be acceptable to the King; and the mission, and their charge, were despatched on the 22d instant in a trading ship, called the "Jessie Byrne," which afforded me the best available means of sending them to Tamatave, the first step to the capital. I regretted that the absence from this neighbourhood of any of Her Majesty's ships prevented me

from sending my mission in a more dignified and complimentary manner; but I felt that the immediate opportunity of suitably returning the reply, and of offering the congratulation, ought not to be lost.

15. I am quite aware that without previous communication with your Grace, I have assumed a degree of responsibility, for which I must request your Grace's indulgence and approval; I hope that the circumstances I have explained will be sufficient to support the course I have pursued, and I trust that the peculiarity of our position of dependence on the trade with Madagascar, and the prospects of improvement to that country that may probably result from this prompt exhibition of encouragement, will be sufficient to excuse the action I have taken without your Grace's previous sanction—a sanction which could only have been received after such a lapse of time as would have neutralised its effect by the appearance of a tardy and hesitating acknowledgment; and, as your Grace will see from this despatch and the accompanying papers, that I have taken every precaution to avoid stepping beyond the legitimate limits of a compliment, although it has been paid with a demonstration which ordinary circumstances would not have demanded, I hope you will give me credit for having pursued the course best suited to the objects in view, and that the satisfactory result of the mission will amply justify the means used for attaining it.

16. Although it is strictly out of my province to offer any suggestions on a subject which is foreign to the immediate duties of my administration, I hope I may be excused for looking somewhat in advance of the present moment, and considering the future advantages that may result to this Colony, as well as to our neighbours and to the Island of Madagascar itself, from any encouragement that may be given by civilised nations (and especially by England and France) to the promotion of open commerce and intercourse between Madagascar and the rest of the world, and to the furtherance of those improvements and acts of civilisation (accompanied by the spread of Christianity and the Gospel), which are immediately essential to the well-being of that country, and remotely beneficial to ourselves and other neighbouring colonies and countries. Very little encouragement on the part of friendly nations, promptly offered on the present occasion, will suffice to induce such a man as the present King, with the early instruction he has received, and the liberal spirit he now displays, to proceed in the course of civilisation and improvement which he appears to have so nobly begun; and if two such countries as England and France could now concur in these broad and philanthropic views, and give their aid and countenance in carrying them out with the best advantage to Madagascar, and with general benefit to their own as well as to other countries and colonies, I feel sanguine that the best and most successful results would be sure to ensue; and, even though no more should be done than the prompt and liberal expression of hopes and expectations, coupled with a recommendation and encouragement of extended trade, commerce, and intercourse, and the formation of companies (French, English, mixed, and otherwise) for the development of the agricultural and mineral resources of the country, and the appointment, perhaps, of Consuls, for the protection of the interests of merchants, enterprisers, and capitalists, the first and most important steps will have been taken which will lead to a brighter future.

17. Your Grace will understand that I have carefully avoided any expression in my statements and correspondence that require explanation, as tending to commit my communication with King Radama or the Government to anything like a recognition of any more extensive dominion in Madagascar than properly belongs to him and his succession. I am aware that on the western side of the island there are the Sakalaves and other petty chiefs, who assert (and, for anything I know to the contrary, may possess) some limited independent position or territorial dominion. Of these internal subdivisions I profess to know nothing; and the general terms of "King Radama," or "King of Madagascar," or "Throne of Madagascar," are merely used because they are the customary designations of the Sovereign who alone has been hitherto known to us; and the terms are so used for whatever they may be worth, without reference to their extent over the whole of Madagascar, or to their limit over a part of that island alone.

18. I hope I may be honoured with an early and a favourable reply from your Grace, and with an expression of your approval of the course I have pursued.

I have, &c.
(signed) *William Stevenson.*

Enclosures in No. 1.

(No. 2.)

(Translation.)

Antananarivo, 12 October 1862.* * So in the original; it is supposed to be meant for 12th August.

To the Governor of Mauritius from Radama II., King of Madagascar, &c. &c. &c.

I MAKE known to all, that I command, and am King in Madagascar, my mother, Queen Ranavalo, being dead.

(signed) Radama II.
King of Madagascar.

(No. 3.)

To His Excellency the Governor of the Mauritius.

Antananarivo, 20 August 1861.

BEING Sovereign of Madagascar, I have ordered the Governors at my different ports not to get any duties from the things imported and exported.

(signed) Radama II.
King of Madagascar.

(No. 4.)

Sir, Antananarivo, 16 August 1861.

As Principal Secretary of State for Foreign Affairs, I inform you of the death of Her Majesty Ranavalo Manjaka, Queen of Madagascar, and that her son, Radama II., son of the late great Radama, has succeeded her on the throne.

2. As a friend, I think that it will greatly cement our friendship were you to send an envoy to congratulate him on his accession to the throne.

No impediment will be put in their proceeding up to Antananarivo; they can go straight up, as in the days of the great Radama.

Your friend,
(signed) *Ra Haniraka,*
13 Honor, Officer of the Palace,
Principal Secretary of State for Foreign Affairs.

His Excellency
the Governor of Mauritius, &c., &c., &c.

(No. 5.)

From the Governor of the Mauritius to His Majesty *Radama* II., King of Madagascar.

Sire,

THE announcement which I have had the honour to receive, under your Majesty's sign manual, of the death of the Queen, and of your accession to the throne of Madagascar, has prompted me to take the first opportunity of offering to your Majesty my sincere condolence on the demise of your Royal mother, and my cordial congratulations on your succession to the sovereignty.

2. The well-known liberality of your Majesty's views, and the desire you have always shown for the encouragement of trade and commerce, and for the introduction into Madagascar of all that will promote the development and improvement of your country, and the prosperity of your people, cannot fail to ensure a successful and happy reign to your Majesty, and a continuance of that good feeling which has always existed, and still exists, on the part of Her Majesty Queen Victoria, my gracious Sovereign, towards your country—a feeling which I need scarcely assure your Majesty is strongly entertained by myself and by the people of Mauritius.

3. I shall take the earliest opportunity of forwarding to my Sovereign the Queen the letter under your sign manual, which you have written to Her Majesty, and sent to my care; and your Majesty's letter shall be laid before the Queen on its arrival in England.

4. I entrust this letter of congratulations to the hands of an officer of high rank, accompanied by other officers of rank and gentlemen of position in this Colony, whom I have appointed to convey it to your Majesty, and who will repeat to your Majesty my personal assurances of continuing friendship and good feeling.

5. With every sincere hope that your Majesty may enjoy a long and prosperous reign, and that your kingdom and your people may prosper, by Divine permission, under the government of so enlightened a prince,

I have, &c.

Government House, 20 September 1861. (signed) *W. Stevenson.*

(No. 6.)

The Governor of the Mauritius to His Majesty *Radama* II., King of Madagascar.

Sire,

THE special messengers to whom I have confided the charge of delivering my letter of congratulations to your Majesty, are Lieutenant Colonel Middleton, of the Royal Artillery, Companion of the most Honourable Order of the Bath; Lieutenant Marindin, of the Royal Engineers, an officer of my own personal staff; Edward Newton, esq., Assistant Colonial Secretary; Edward Mellish, esq., merchant of Mauritius (and representative of the mercantile body of Port Louis); James Caldwell, esq., a public officer and interpreter of languages; accompanied by a medical officer, and by several subordinates and followers.

For all these officers and subordinates I have to ask of your Majesty such directions as may be necessary for their accommodation, and for their access to the capital and their approach to your Majesty, for the purposes of courtesy and congratulation for which I have sent them.

Your, &c.

Government House, 20 September 1861. (signed) *W. Stevenson.*

(No. 7.)

INSTRUCTIONS.

Colonel Middleton, accompanied by the officers and gentlemen whom I have appointed, will proceed to Madagascar for the purpose of delivering to King Radama II. the letter of congratulations which I have confided to Colonel Middleton's charge.

2. On arrival at Tamatave he will proceed to the capital with as much expedition as may be practicable, by such means as the Governor of Tamatave may have provided, or by such other means as he may procure, and deliver to the Principal Secretary of State his credentials and letters, and announce himself to be the bearer of my letter of friendship and congratulations to the King; and he will ask an audience for the purpose of placing that letter in his Majesty's hands.

3. Accompanied by the officers and gentlemen composing the mission, Colonel Middleton will deliver my letter to his Majesty, and inform his Majesty that he (Colonel Middleton) and his colleagues have been expressly sent to present that letter in person, and to assure the King of the continuing friendship and good feeling of myself and of the people of Mauritius towards his Majesty, and to express the hope that the trade and commerce which are now enjoyed between our two islands may be continued uninterruptedly, and may be improved in such manner as may be mutually advantageous to both.

4. The general members of the mission will assist Colonel Middleton in affording to his Majesty all the information he may desire as to the nature of our general trade and commerce, and the manner in which our ports are open to all nations; and may explain that it is part of the general British policy that trade and commerce should be universal among nations, as the first step towards the attainment of national prosperity and happiness.

5. Should the King express a desire that any greater facilities than those at present existing should be afforded for the extension of trade and commerce between Madagascar and this island, he may be assured that his wishes on the subject shall be conveyed to Her Majesty the Queen; but should the King allude to anything beyond the mere improvement of our trade and commerce and the continuance of our present friendly feelings, or anything that might even remotely be connected with diplomatic action, he may be at once assured that my local authority gives me no power whatever to interfere in such matters; and that it is no part of my province, or of my mission of congratulation, to approach any subject that would in the least degree alter or affect the actual state of things between our two countries. They are subjects which the Queen and Her Ministers can alone consider, and which I could only be instrumental in forwarding to Her Majesty if required by his Majesty to do so.

6. Should

6. Should the King touch upon the subjects of education, religion, or the general improvement of his countrymen, he may be informed that we feel a national interest in all those objects, and that they are likely to be gradually attained by an extension of his intercourse with this and other countries; and that a freedom of commercial intercourse with this Colony will be as much encouraged among the people of Madagascar as it is among all other nations; and that a free intercommunication between the two islands will always be promoted by myself and by the people of this Colony, who will always be ready to impart all the knowledge and acts of civilization which they possess to our neighbouring countries.

7. On all subjects on which his Majesty may desire information, all that can be afforded may be freely and openly given. But care must be taken to avoid any act or word that could be mistaken for a wish to alter the existing position of things, or to take a diplomatic step of any sort; for it is neither my province nor my desire to approach any such forbidden ground. I may here repeat what I have already orally explained, that there is a clear understanding between the English and the French Governments, that no diplomatic step whatever, that may alter the present relations and state of things with Madagascar, is to be taken by either of those countries without the full knowledge and consent of the other. With this fact in mind, all approach, or appearance of approach to that point must be carefully avoided, in act and word, by all members of this mission.

8. Colonel Middleton will avail himself of the services of a reliable interpreter in Madagascar; and will make such provision and arrangements as he may find necessary for carrying out the object of his mission with proper effect.

9. I have no wish to hasten the return of the mission, but prefer leaving the time and the opportunity to the discretion of Colonel Middleton. The most convenient means of returning will be learnt by him at Tamatave, where all necessary arrangements can be made, should the vessel which is now used not be available for that purpose.

10. I have no immediate expectation of the arrival of one of Her Majesty's ships of war, or I would endeavour to obtain her services for the return of the mission, but no reliance must be placed on this possible chance; and the absence of a man-of-war from the harbour at this moment may be mentioned as the reason for not sending down the special messengers in a more complimentary and official style.

(signed) *W. Stevenson.*

Government House,
20 September 1861.

(No. 8.)

MEMORANDUM.

IT is not improbable that persons who may have gone from this island to Madagascar, or may be about to do so, may wish to engraft themselves on my mission of congratulation, or to become directly or indirectly identified with it; and they may have private designs of a commercial, territorial, political or religious character, with which I do not desire my mission to be in the least degree concerned.

2. Without giving personal offence to any of these persons who may be thus accidentally thrown in the way, it is desirable that Colonel Middleton, and the other members of the mission, should plainly explain to them my wish that my mission should be kept compact, and free from all chance of having private persons mistakenly identified with them; and this distinction should, as far as practicable, be maintained as regards all travellers who may accidentally be brought into apparent association with them.

3. It may be desirable also to make known to the Governor of Tamatave, as well as to the principal officers elsewhere, that it is my wish that the members of my mission should not be brought into any conjunction (real or apparent) with persons whose plans are of a private character, or who have been at any time connected with the affairs, politics, or religion of Madagascar; all of which I desire to avoid.

(signed) *W. Stevenson.*

Government House,
20 September 1861.

(No. 9.)

Sir, Colonial Secretary's Office, 20 September 1861.

THE Governor of the Mauritius has received your letter, informing him that a mission of congratulation to his Majesty, Radama II, would be acceptable, and would be allowed to proceed without impediment to the capital "as in the days of the great Radama."

The communication of his Majesty's accession to the throne having also been formally and officially made to the Governor, under the King's own hand, his Excellency has hastened to avail himself of the first means he can command, of sending special messengers to offer his congratulations to his Majesty and his assurances of continuing friendship.

And, although his Excellency regrets that he has not at this moment in the harbour of Port Louis one of Her Majesty's ships, by which he could send his message of congratulation in a more complimentary manner to his Majesty, he thinks it unnecessary to delay his messengers on that account and prefers showing how promptly he desires to acknowledge the courtesy with which his Majesty has honoured him, by sending his special messengers in a private ship.

I beg to announce to you the names and rank of the officers and gentlemen who are entrusted with this special message and letter. Lieutenant Colonel Middleton of the Royal Artillery, Companion of the most Honourable Order of the Bath; Lieutenant Marindin, of the Royal Engineers, an officer of his Excellency's personal staff; Edward Newton, esq., Assistant Colonial Secretary; Edward Mellish, esq., merchant of Mauritius and representative of the mercantile body of Port Louis; James Caldwell, esq., a public officer and interpreter of languages, accompanied by a medical officer, and by several subordinates and followers.

And I beg to request you will be so good as to cause every facility to be afforded to these officers and their subordinates in proceeding to and returning from the capital, and that you will furnish them with all the accommodation they may require.

I have, &c.
(signed) *Felix Bedingfeld*,
Colonial Secretary.

Ra Hanarika, 13 Honor, Officer of the Palace,
His Majesty's Principal Secretary of State
for Foreign Affairs.

— No. 2. —

(No. 560.)

No. 2.
Chichester Fortescue, Esq., M P., to Governor Stevenson, C. B., 26 Nov. 1861.

COPY of a DESPATCH from *Chichester Fortescue*, Esq., M.P., to Governor *Stevenson*, C.B.

Sir, Downing-street, 26 November 1861.

I HAVE received your Despatch, No. 172,* of the 23d September, transmitting a letter to the Queen from King Radama II., announcing the death of the late Queen of Madagascar and his accession to the throne. That letter has been forwarded to Her Majesty, and I shall by the next opportunity communicate Her Majesty's pleasure upon it. In the meantime, I have to inform you that Earl Russell concurs with me in approving of your proceedings in sending a mission of congratulation to the King.

* Page 3.

I have, &c.
(signed) *C. Fortescue.*

— No. 3. —

(No. 232.)

No. 3.
Governor Stevenson, C.B., to His Grace the Duke of Newcastle, K. G. 3 Dec. 1861.

COPY of a DESPATCH from Governor *Stevenson*, C. B., to His Grace the Duke of *Newcastle*, K. G.

Mauritius, 3 December 1861.

My Lord Duke, (Received, 13 January 1862.)

IN continuation of my Despatch, No. 172 * of the 23d of September, I have now the honour to report the safe return from Madagascar of Colonel Middleton and the gentlemen whom I sent with him on a mission of congratulation and encouragement to King Radama II., and to transmit to your Grace copies of two Reports which I have received from Colonel Middleton, and of a General Report which has been furnished by all the members conjointly, together with the letter of acknowledgment from King Radama, all which documents will be found among the printed papers which accompany this Despatch.

* Page 3.

2. As I sent this mission on my own responsibility, with the approval of the council of Government, before I could communicate with your Grace on the subject, and as the cost of the mission, as well as of the presents which have been sent by the Colony to King Radama, will be defrayed by the Local Treasury, I considered it proper to place all the papers and correspondence before the Council,

Council, for their information as to the progress and success of the mission; and it appeared to me desirable, for other reasons, that my own letters and instructions should be printed also, as no room would then be allowed for surmise or speculation as to the real object and intention in sending the mission; the correspondence and instructions affording full explanations on the subject.

3. Your Grace will see from these Reports that the immediate objects of this mission have been accomplished as satisfactorily as could be desired, and that Colonel Middleton and the rest of the members were received in a marked and gratifying manner. The compliment appears to have been highly appreciated, and the prompt manner in which the King's liberal policy of open trade and commerce has been acknowledged, and his desire to improve his country and his people has been encouraged, has made, I think, precisely the impression that was hoped for, and will, I trust, ensure those advantantages of uninterrupted and improved trade and commerce between this Colony and Madagascar, which will be as advantageous to the latter as it is necessary to the former; our sole reliance for a supply of cattle and an auxiliary supply of rice being placed on that island, and the interruptions and restrictions which have hitherto taken place, having proved highly inconvenient, and, in some measure disastrous to this Colony.

4. I have every reason to believe that the plain and undisguised objects of the mission, and the candid bearing of all its members, had the effect of satisfying the King and his principal ministers, as well as the people of the country generally, that every confidence was to be placed in the straight-forward assurances they were authorised to convey, of our wish to maintain and to improve our reciprocal trade and friendship, without desiring any advantages that might not be as fairly given to all other friendly and trading countries; and the accredited authority to go so far, and no farther, to explain everything and disguise nothing, placed the members in favourable contrast with those doubtful and unaccredited speculators of whom, and of whose pretensions we have, from time to time, heard so much in connexion with the Island and affairs of Madagascar.

5. A similar mission appears, from these papers and others, to have been expected from the French Government, but, up to the time of leaving Madagascar, no such accredited mission had arrived, although several French gentlemen and Jesuit priests, from Bourbon, had come there, and a French vessel of war in the harbour of Tamatave had saluted the new King's flag.

6. The King's letter of acknowledgment plainly evinces his desire that an amicable and improved position should subsist between himself and Her Majesty, and between his people and English people, and with the inhabitants of this Colony in particular; and that trade and commerce, arts and agriculture, should be spread and encouraged as fully and as openly as possible. The assurances conveyed to the mission likewise manifest that wish; but in a country like Madagascar, which has been so long closed against the general traffic of the world, it is no wonder that they should possess but a crude and elementary knowledge of commerce, and of the proper mode of carrying out their wish, and that their best practical lessons still remain to be learnt. In this infancy of Madagascar in all these necessary arts and pursuits, which alone make a country useful and profitable to itself and to the rest of the world, it is our duty, in my opinion, in the advancement of our own local interests, as well as of those of Madagascar, to give every encouragement and assistance for their promotion; and if other neighbouring colonies and countries follow the example that has been shown by ours, it will greatly aid in promoting a general good understanding with that country, and in establishing that advancement in civilization, and in the elementary arts of commerce, among these isolated and unknown people, which would soon form the basis of their future importance and improvement, if not frustrated by the unaccredited speculations or sinister designs of intriguing persons.

7. Admiral Sir Baldwin Walker having sent down Her Majesty's steamship, "Brisk," with orders to proceed to Madagascar, and to call here for any instructions I might think proper to give to Captain de Horsey, I did not hesitate to put her services in requisition to bring back the members of the mission, and the subordinates and servants they took with them; and Captain de Horsey was enabled to pay the usual compliment to the King's flag and to bring back the mission after a few days' detention. I have informed Sir Baldwin Walker of

the proceedings I have adopted, and shall send him a copy of the accompanying printed papers for his information.

8. These papers will show, and I have also learnt from all the members of the mission, that the King is exceedingly anxious that an English Resident, probably a consul or consular agent, should be appointed to Madagascar. The mere amount of trade that is at present pursued in that country, would not of itself justify any such appointment; but if British commerce is to be encouraged in that island, or British, as well as foreign, companies or private persons, are to be allowed by the King to undertake mining or agricultural pursuits, as I am informed, is likely to be the case, it will be desirable that some sort of Resident or consular agent should be sent there, not only for the protection of British commerce and interests, but for the purpose of giving any reliable information that may be required by the King, or by the people of the country on subjects of trade, commerce, and financial economy generally, with the very elements of which they appear at present to be but slightly acquainted. The rudimentary instruction which the first King Radama received from the missionaries, teachers, and merchants, who formerly went from England and from this island, under the protection and support of the British and local Governments, appears to have been almost effaced by the last 30 years of isolation and restriction which have been allowed to arrest and blight all progress in that island, under the baneful policy of the late Queen and her counsellors or coadjutors; and civilised countries should begin the work of instruction anew, now that a fair opening is afforded for its commencement. A man of high principle and unflinching rectitude of purpose, and of favourable and conciliating manner, and imposing presence, accredited in some consular position, with the means and the power of affording useful information to the King, might be the means of accomplishing great improvements in the country, and among the people and its institutions, while he would insure an uninterrupted continuance of commercial advantage to this colony and other neighbouring places. If there were a concurrence of views in these respects, by other countries likewise, and philanthropy as well as commerce, were embarked in the undertaking, with no ulterior objects of individual or national advantage in prospect, to which exception could be taken, a still greater service might be done to the country, and to the interests of commerce at large.

9. British, as well as French, coins have not hitherto been equally current at Madagascar. It appears that, in consequence of some strange misrepresentation as to their value, the former have been depreciated, to the inconvenience of the Mauritian trader, while the latter have been admitted into free circulation. But this misrepresentation has been partly exposed, and the error and inconvenience will soon be rectified with an extension of British trade, and an assurance of fair dealing.

10. I have to express, in conclusion, my full approval of the manner in which all the members of this mission have accomplished the work they were appointed to fulfil, and of the careful and discreet judgment they have displayed in carrying out my instructions. The thanks and acknowledgments of the Council of Government have been already expressed for their services; and I hope I may now ask your Grace to approve, and to obtain from Her Majesty's Government a further approval of those services.

I have, &c.
(signed) *William Stevenson.*

Enclosures in No. 3.

Lieutenant Colonel *Middleton's* First Report to the Governor of Mauritius.

Sir, Tamatave, 27 September 1861.

Enclosures in No. 3.

I HAVE the honour to inform you of the safe arrival here of the mission of congratulation from your Excellency to King Radama II., on the afternoon of 26th September, at 2 p.m.

Immediately on my arrival I despatched Lieutenant Marindin with a letter, enclosing that of the Colonial Secretary, announcing my arrival, and intimating my desire that the mission should be publicly acknowledged, by their sending an officer of high rank to call upon me, to enable me to fix a time to see the Governor of Tamatave.

Lieutenant

Lieutenant Marindin was received with all honours, although at the time of our arrival the Governor was receiving two officers of the 13th and 14th Honour, just arrived from Antananarivo for the purpose of proclaiming the King, and hoisting his new flag; which flag, when fully known, will be intimated to your Excellency's Colonial Secretary by the Assistant Colonial Secretary, now with the mission.

Accordingly, at nine o'clock this morning, I received a letter from the Governor, informing me that at 11 o'clock one of the two officers just arrived from Antananarivo would come on board to pay your Excellency's mission all honour. Exactly at the time mentioned he arrived, accompanied by three others of high rank. After the usual salutations, I arranged for the Governor to receive me as soon as possible. We landed with all the honours it was possible to give your mission, and everything and every expression was, I think, all that your Excellency could have desired. To-night we land, and are lodged by the King; to-morrow we are publicly entertained by the King; and on Monday I trust we shall be *en route* for the capital, the King, I am credibly informed, anxiously awaiting our arrival.

I should have mentioned to your Excellency that no other mission has yet arrived at Madagascar, or gone up to the capital, though the two officers mentioned as being sent down have been sent for the purpose of doing honour to your mission, and to one expected from the French.

I have, &c.
(signed) *W. A. Middleton*,
Lieut. Col. R. A.

King of Madagascar to the Governor of Mauritius.

Sir, Antananarivo, 20 October 1861.

I HAVE received your letter, dated 20th September 1861.

I received it from the hands of Colonel Middleton and the other officers and gentlemen of the embassy. I am much obliged to you for the condolence you expressed on the demise of my royal mother. I am also much obliged to you for your cordial congratulation on my succession to the sovereignty of Madagascar.

I have further to inform you, that it is my very ardent wishes that a good feeling of friendship should always exist between me and Queen Victoria, and between my people and her people, so that trade and commerce may greatly increase, to the mutual advantages of both parties.

I have also a great desire for the improvement of my country, that trade, commerce, agriculture, and the arts and sciences may enlighten and prosper my people.

I and her Majesty am very much obliged to you for the handsome presents that you sent to us by the hands of Colonel Middleton. We send you by him two silk cloths, two cotton cloths with borders, manufactured in our country, as well as 40 bullocks.

Wishing you health, joy, and happiness.

I remain, &c.
(signed) *Radama II.*,
King of Madagascar.

Lieutenant Colonel *Middleton's* Second Report to His Excellency the Governor.

Sir, Mauritius, November 1861.

HAVING already reported my arrival in the Island of Madagascar, and reception there by the Hovah authorities, I have now the honour of submitting to your Excellency a short account of the proceedings of the mission while in the island.

After visiting the fort, we were for three days preparing for our start to the capital, and this, as we found afterwards, was by no means the easy affair we had been led to suppose. On the 1st of October we started from Tamatave, and for four-and-a-half days, our route was on rivers and lakes, in pirogues, the greater part of our heavy baggage proceeding the same marches by land. On quitting the pirogues, we halted at a village to organise the bearers for our palanquins and baggage, and, after great difficulty, we started, fairly *en route* for Antananarivo.

Although we had announced our intention of paying well every day, and never failed to do so, still our great difficulties arose from the bearers perpetually running away, and often when we were ready to start at daylight we found many of the men missing, and there was much trouble and difficulty in finding others. These people had evidently been deceived at some former period, and had become so suspicious that they would not believe our promises to pay them; added to this also, the King had proclaimed that they were free to do as they liked, and I do not think that these people were quite prepared for this sudden proclamation of general freedom.

At last, notwithstanding all the difficulties, and after travelling for 15 days, and walking nearly the whole way, we arrived at a little village called Andraisoro, two miles from the capital.

At the distance of four days' journey from the capital, I had forwarded the Colonial Secretary's letter to the Principal Secretary of State for Foreign Affairs, with one from

myself, announcing our approach, to which I received in answer a flattering welcome from the King, expressing his anxiety to receive us. On arriving at the little village above-mentioned, I forwarded to the King, through the Principal Secretary of State for Foreign Affairs, your Excellency's letter of introduction of the mission. Almost before I thought it could have reached the King, I received a letter from him, welcoming the mission to the capital, informing me that five officers of his palace would be sent with his band and large guard of soldiers to conduct us on horseback, in State, to the houses prepared for our reception, and considerately adding, that, although anxious to receive us immediately, he thought we would require a day's rest, and the day after that he would receive us in State.

Our entry into the capital was of the most gratifying kind, and, I believe, never have strangers received such honours in Madagascar. The entry was very long and fatiguing, lasting from 7 till 10½, and in a burning sun. Very shortly after entering our houses, a number of officers of the palace requested an audience to offer us presents of welcome from the King and Queen. These consisted of an immense bullock, fattened in a peculiar manner, and a quantity of turkeys, fowls, &c.

The whole of our proposed day of rest was devoted to receiving deputations and presents from every person of any importance in the capital. This lasted from 9½ a. m. to 5 p. m. This day also the mission was invited by the King to a dinner, to be given in the house of one of his chief officers. This is the way in which the King always entertains.

On the 18th October, about noon, five officers with a band, and guard of the King's own grenadiers dressed in scarlet with white trowsers, arrived from the palace to conduct us to the King. Three o'clock had been originally named as the hour of our reception, but the day threatened rain, so the King sent to beg us to come earlier. On arriving at the palace, we found in the square a large body of troops under a marshal, ready to receive us, which they did, presenting arms and playing a march. We were then received at the gate of what is called the "Silver House," the lesser palace (the larger palace being closed for a year, on account of the late Queen having died in it), by Rahaniraka, the principal Secretary of State for Foreign Affairs, and by him conducted into the audience room and presented to their Majesties, who received the whole mission with the greatest cordiality and *empressement*, shaking hands with all.

I now presented in due form your Excellency's letter of congratulation, at the same time expressing in your Excellency's name, and in the name of the people of Mauritius, an earnest desire that the good feeling existing between the two countries might continue, and the trade be promoted and extended for the mutual advantage of both nations. I also congratulated him upon his accession.

The King received the letter with marked satisfaction, and had it translated to him.

* * * * * * * *

I may here remark that, except all the high Hovah officers of state and of the palace, not a single person was allowed to enter the room, and no European, with the exception of your Excellency's mission, was admitted or present with us during our reception or leave-taking. After the usual compliments and inquiries after the health of Her Majesty the Queen, the Prince Consort, and Royal Family, as is customary, I was asked to propose the health of the King. This was drunk, the band playing "God save the King," and presenting arms. The King then proposed the health of Our Gracious Queen and Her Consort, which was received with the same honors; and, after that, the health of the Governor of Mauritius.

After some further conversation on various subjects, during which the King expressed his great delight at the arrival of the embassy, and his thanks to the Governor of Mauritius for sending it, remarking that it had tended more than anything else to strengthen him on his throne, we took our leave. I had previously expressed to the King my desire to leave for Mauritius at an early day, and accordingly Monday, the 21st October was fixed by him for our farewell audience.

On the 19th October, we were received at dinner in the King's name at the house of Rainlavone, the brother of the Prime Minister. It passed off most successfully, and all the usual toasts were drunk; and here, again, we received demonstrations on every side of the importance the King's ministers, officers, &c., attached to your Excellency's mission. They unanimously declared that it had fixed the King firmly on the throne, and would, they had no doubt, save much war and bloodshed.

On Monday, the 21st October, we took leave of the King (with the same ceremony as on the day of our reception. I was enabled on this day to present the King with the two horses, sent as presents, they having fortunately arrived the previous day in good condition, though they had to swim ten rivers, and travel over the same rough mountain and forest roads that we traversed. The King expressed himself much gratified and highly pleased with them. I had, on the day of our reception, given to the king the authenticated list of the presents sent by your Excellency's Government to him, and expressed my regret that I could not personally present them, as I heard they could not reach the capital for more than a month. The king begged me to give his thanks to your Excellency and the Mauritius Government, and to say how highly he valued the expression of your goodwill. His Majesty then informed me that he had sent orders to the Governor of Tamatave to furnish me with 40 bullocks for presentation to your Excellency, and 20 as a present for myself. The king also gave some of the native cloths for your Excellency.

I did

I did not like to dispose of these bullocks at Tamatave; so I requested Mr. Mellish to obtain freight for them; and on their arrival in the island I will cause the whole to be made over to the Government, according to your Excellency's orders.

On the morning of the 22d October we left, on our return journey for Tamatave, which place we reached in 12 days, after the usual amount of difficulty as regards transport. After entertaining the Hovah authorities at dinner on the 4th November, we embarked, all in good health, on board Her Majesty's steamer, "Brisk."

I regret that this Despatch should have been so long in reaching your Excellency; but I must plead indisposition. A full report from the mission is in course of preparation; but I fear some days must still elapse before it can reach you, as I am sorry to say that several members of the mission are or have been suffering from severe fever.

I cannot close this Report without bringing to your Excellency's notice the admirable way I have been assisted by the other officers and gentlemen you associated with me in this mission, and expressing my high sense of the abilities and of the cordial co-operation they ever gave me.

I have, &c.
(signed) *W. A. Middleton*,
Lieutenant Colonel, R. A.

To His Excellency *William Stevenson*, Esq., C.B., Governor and Commander in Chief of Mauritius and its Dependencies.

Sir,

We have the honour of submitting a Report, detailing the proceedings of the mission despatched by your Excellency, for the purpose of congratulating His Majesty King Radama II, on his accession to the throne of Madagascar.

2. The mission sailed from Mauritius on the morning of the 22d September, in the "Jessie Byrne," and arrived at Tamatave on the afternoon of the 26th, after a favourable passage. The members of the mission feel bound to acknowledge the great kindness displayed towards them by Captain Charié, of the "Jessie Byrne," who did all in his power to render the passage agreeable.

3. On arriving at Tamatave we found that the flag of King Radama II. had that day been hoisted for the first time, and the community were celebrating the occasion.

4. The flag is somewhat in form of the broad pennant of our navy, with a narrow red border. At the broad end of the flag there is a red star of eight or ten points, with an inscription, "Radama II., Pmanjaka ny Madagascar 1862," and "R. R. II." in the centre.

5. Immediately on arrival, Lieutenant Marindin was despatched with the Colonial Secretary's letter to the Governor of Tamatave, together with a letter from Colonel Middleton, announcing the arrival and objects of the embassy, and requesting an hour to be named for landing. He found the Governor of Tamatave in "cobar" or council with Raharolahy and Razafinkiarefo, two officers of high rank, respectively 13th and 14th Honours, who had been sent from the capital on a special commission, with instructions to proclaim King Radama II., and hoist his flag.

6. On the morning of the 27th, according to the purport of a communication received from the Governor of Tamatave, four officers came on board, the principal among whom was Razafinkiarefo, Aide-de-Camp to the Commander in Chief. The mission accompanied them on shore, and shortly afterwards had an interview with Raharolahy and Rainiferingia, the Governor. A number of soldiers formed an escort, and a band occasionally performed, "God save the Queen" being frequently played. It has been adopted as the Malagasy National Anthem.

7. On the 28th we were present at a dinner given in honour of the mission, to which most of the European residents in Tamatave were invited. The health of Her Majesty, the Royal family, and that of your Excellency were amongst the toasts.

8. The Governor is anxious, as far as his exertions will enable him, to maintain a cordial understanding with Europeans. He was always ready to carry out any suggestions offered by us, and seems very free from prejudice, and glad to think that European influence and European appliances are now being introduced into Madagascar. He is an old man, was in England 30 years ago, and still speaks English with tolerable ease.

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9. It would appear that on the evening of the 30th a "cobar" or council assembled, at which the expediency of inviting us to the fort was discussed. It was almost unanimously resolved to do so, although no European had, up to that period, been permitted to enter. We were duly invited, and on the afternoon of the 31st proceeded thither. We found Raharolahy, the Governor, the Second Commandant, and other officers, assembled to receive us.

10. Our visit to the fort was but of short duration, as it was necessary to prepare for our departure on the following day.

11. On the 1st October the mission started for Antananarivo, the Governor of Tamatave having done all in his power to facilitate our movements. Several officers of high rank attended the mission for some miles on the road; on the same evening we reached Hivoondroo, a considerable village about eight miles from Tamatave.

12. On the 2d October, and the three succeeding days, we travelled in pirogues in a southerly direction on a chain of lakes running parallel with the sea coast, and separated from the sea by a narrow spit of land, often not more than 100 yards wide and never more than a mile in width, and generally thickly wooded. The navigation of these lakes is occasionally interrupted, and we were four times obliged to have our baggage and pirogues carried across short intervening necks of land. These interruptions could be easily removed. In some instances a channel from one lake to another actually exists, and only requires deepening; there would then be 60 miles of water carriage furnishing the best means of bringing down timber and other produce. There are three outlets by which the lakes communicate with the sea, one at Hivoondroo, another at Andavaka Menerana, or the Hole of Serpents, and a third at Andoviranto. We reached the latter village on the evening of the 5th, and on the following morning arrived at the termination of our journey by canoe. A considerable village called Boaboihazo, is the point at which the traveller in the direction of the capital begins to ascend. The country through which we had passed, up to the period mentioned, was of a swampy character, but the dry weather that had prevailed for some time made our progress much more agreeable than it otherwise would have been.

13. Your Excellency will be glad to learn that up to this period we had been greeted by the inhabitants with unmixed satisfaction. Presents were brought to us at every village through which we passed, consisting of poultry and rice, and occasionally a bullock. On these occasions an address was delivered, the burden of which invariably was, that the people were very pleased to know that Englishmen were in their country, with the approval and at the express invitation of their King, or as they phrased it, "that we were friends of Radama."

14, On the 7th and 8th of October our course was nearly due west, through a country teadily rising by a gradation of clayey hills; very little of it was under cultivation.

15. The hot-water springs, at Ranomafana, form the most interesting feature of the country in this locality. The river known by the same name flows in a bed of quartz and sandstone, and the banks are clay with quartz boulders projecting; the spring has formed a basin about a foot in diameter; the temperature of the water is about 160°; it is strongly ferruginous, and the iron held in solution manifests itself in the colour of the sandstone and the soil in the neighbourhood, and has cemented particles of sandstone into a hard conglomerate, an effect common in such cases.

16. On the 8th the hills we ascended became much steeper, and when we reached Ampasimbé we were at least 1,500 feet above the sea-level. The features of the country too had considerably changed. We had for some time been crossing a series of undulating hills clothed from summit to base with the Traveller tree; we now no longer saw the Traveller, and the sides of the hills were bare, with occasional clumps of timber. The boulders of quartz were rare, and an inferior description of granite took its place, interspersed with blocks of basalt and gneiss. We found the country used almost entirely for grazing purposes, although certainly very well suited for the growth of wheat and other grain. The journals of former travellers mention the sides of the hills as being cultivated with rice. The only description of rice now grown is that requiring abundant moisture.

17. There can be no better grazing country in the world, and the cattle are consequently very fine. Sheep also succeed very well in the interior, and may be purchased at a very cheap rate.

18. During the next two days we experienced considerable difficulty in getting a sufficiently large number of men to carry our packages, although we had taken the precaution of leaving a large number at Tamatave.

19. On the evening of the 9th we reached Beforona, whence a courier was despatched to announce to the King that we were so far on our journey; this station may be pronounced with safety one of the most unhealthy in Madagascar, certainly the most unhealthy on the road to the capital; it is situated in a valley probably about five miles in length, and half a mile in width, and completely shut in by hills. The valley is very marshy and a considerable stream flows through it; poisonous exhalations are constantly rising, and are visible in the form of a heavy mist during the morning and evening.

20. On the morning of the 10th we entered the forest of Alanamasaotra after having passed over several steep hills. The country here abounds in black basaltic rock, and the clay everywhere gives evidence of the existence of iron in large quantities; in this portion of the country traces of copper were also found. The scenery of the forest is beautiful in character; orchids and ferns are very numerous, and a singular description of bamboo is constantly seen bending its graceful feathery stem until the topmost wreath of leaves almost touches the ground; it fills up any intervals that occur in the dark foliage of the forest by the contrast of its own brilliant green.

21. We observed few varieties of animal life in the forest. The only mammal we saw was the lemur, of which an immense number exist; they make the forest resound with their peculiar cry, resembling that of a pack of jackals, and audible at a great distance.

22. The

22. The varieties of timber found in Madagascar are very great, but the size of the forest trees is by no means surprising; we saw none more than seven feet in diameter. The journey through the forest was very fatiguing, the track leading over many very steep clayey hills.

23. During the 11th we passed through a much more level country, and saw many hamlets with their circumjacent rice-fields. At the end of the day we ascended a high range of hills, along the western side of which we skirted for some distance; these hills were almost bare of timber, and covered with fern for the whole length of the slope. On reaching Mooramanga we saw the valley of Arkay stretched before us, about 12 miles in extent; the valley is entirely uncultivated, and is evidently extremely rich in fossil remains, being a basin of sedimentary sandstone of great depth, and containing minute fossils (diatomaceæ) in great quantities. From this valley the view of the range of hills was most remarkable, the Ankay mountains appeared with their bases shrouded in blue mist, the summits showing the more plainly by contrast, whilst above them in the distance we saw the much higher ridge of the mountains of Ankovah.

24. On the morning of the 13th we crossed the river Mangourou; it there flows in a southerly direction, but its course soon becomes easterly, and it reaches the sea about 150 miles south of Tamatave; it is about 50 yards wide, generally shallow, and has a swift turbid current; about 30 miles south of the spot at which we crossed, the existence of a fine waterfall was reported to us.

25. We crossed the Ankay range, and from the summit had a most extensive view, only closed in one direction, that being westward, and the direction in which we had to go. We then descended into the valley between the two ranges, which we found more generally cultivated than any country we had yet passed. We crossed and recrossed the same river several times, a sluggish stream, known as the Antatabé, and wound along its banks for a considerable distance. We finally rested for the night at the foot of the last and most formidable range of mountains. They are traditionally formidable, as the village at which we rested is termed "Mandrahody," *i.e.* "hindrance in going home." We here received letters from the capital, brought by a deputation of officers who had left Antananarivo, that morning only.

26. On the 14th we surmounted the last difficulty during our upward journey. The track crosses the mountain called Angavo, at the height of about 2,000 feet above the level of the plain. Some height above the track there is an entrenched camp commanding the pass. The summit is considerably higher, and appears to be entirely granite. We afterwards passed through a belt of forest. The path was carried through a succession of mountain gorges, and crossed a beautiful little stream called the Mandraka. We then reached the first village in the Hovah country, Ankera Madinika. After passing through the forest, the country entirely changed in appearance. All the timber is said to have been cleared away for many years, leaving huge grassy knolls with immense projecting blocks of granite dispersed in most grotesque shapes, sometimes looking like piles of half-ruined masonry. The granite here seems to be most rapidly disintegrated, as large pieces of it can be broken off by the hand. The action of the constantly varying temperature accounts for this.

27. All the villages in the province of the Hovahs are fortified, having mud walls and entrenchments, and very frequently a covered way leading up to the village. On the evening of the 14th, we reached Ambatamanga, "Blue Rock," so called in consequence of an isolated rock of granite perpendicular on two sides, and surmounted by the tomb of a Hovah chief, named Rambasalama. This building was the only one in which we had hitherto seen any attempt at artistic design. Above the entrance to the tomb, and round the base of a superincumbent square of masonry, there was a neatly executed stone balustrade, and an ornamental scroll in bas-relief.

28. The valleys are all well cultivated here, and the hills are trenched from summit to base, the trenches running some laterally and some vertically, in order to lead the water into the valleys.

29. This part of the country is subject to violent thunder storms, and we noticed that the principal houses had lightening conductors made of twisted copper-wire, and carried into holes in the ground about 4 feet deep.

30. On the morning of the 15th, we journeyed as far as Betafo, about five miles from the capital, where we halted by preconcerted arrangement with the officers who had been despatched from the capital. Later in the day we proceeded as far as Andraisora, about three miles further, where we passed the night. This village is fortified, and has a double trench, and covered way. A tomb built of solid masonry, and about 12 yards square, is also a remarkable object.

31. About 8 o'clock in the morning of the 16th, three officers of the palace came to conduct us to Antananarivo. The road was crowded with the populace dressed in their best, and evidently anxious to welcome us. Even the precipitous banks on the side of the road were covered with people, who contrived to preserve their balance there. The mission was attended by a body of soldiers, and a band of music had also been sent to accompany us. Horses were sent for us to ride into the capital, and we were informed that this was intended as an especial honour. We were then conducted to the houses that we were to occupy, and found that every attention had been paid to our personal comfort.

32. His Majesty intimated through one of his principal officers that he would receive us on the 18th, at 12 o'clock. His carefully explained motive for this was, that we might have a clear day of repose after the fatigues of our journey. It was however passed in receiving presents and visitors.

33. On the 16th, after our arrival, we were the object of great curiosity on the part of the inhabitants, who surrounded our houses in crowds, even mounting on the top of all the mud walls in the neighbourhood, in order to get a satisfactory view of the strangers.

34. The members of this Embassy cannot quit this portion of their Report without bearing testimony to the entire trustworthiness of the bearers and others who were in their employ during the entire period of their stay in Madagascar. The Betsimarasaka tribe more especially, are an honest, cheerful, intelligent race of people, and very far above the standard to be expected, when the brutalising effect of the last 30 years is considered. Their bodily strength and development of muscle are surprising. It is strongly to be hoped that his Majesty will raise the social standard of these subordinate races; and that they will be found faithful subjects, little doubt can be entertained. There are already a few instances in which other than those of Hovah descent have been raised to honour.

35. Due testimony must also be borne to the diligence and uniformly creditable way in which the Hovah officers who accompanied the Embassy discharged their duties.

36. The view from the height of Antananarivo is very extensive. On all sides fortified villages are to be seen, always located on the summits of hills. Rice fields are very numerous, but scarcely any other article of food is cultivated. During the reign of the first Radama, it would appear that dry rice and even wheat were cultivated, but whilst the late Queen occupied the throne, no attempts whatever were made to increase the produce of the country. With reference to the political state of the country, the Embassy learnt that Rambousalama, the officer who asserted his claim to the throne on the death of the Queen, had been exiled by his Majesty's command. The King's clemency of disposition is well known, and it is sincerely to be hoped that his subjects will learn more and more to estimate such enlightened policy as it deserves.

37. He constantly impressed upon us his aversion to shedding blood, and declared that he would not do so. This accords with the previous statements that have reached us with regard to his Majesty's character. It is the opinion of the members of the Embassy, that although there are the elements of faction, and party spirit in Antananarivo, and to some extent, the cause of truth and humanity is in the ascendant, the sad experience of the last 30 years has taught many things; a desire for commerce has sprung up, and it now remains for Europeans to foster that desire, and to establish trade upon its true principles. That cannot be done until the Government of Madagascar has become sensible of its own immense resources, and will proceed to render them available. Government revenue and expenditure are as yet as a sealed book. The construction of roads is a point which the Embassy have not failed to dwell upon as indispensable, and it has been pointed out to the King that the undertaking would not be so difficult as it appears at first sight. The works might be carried out by the inhabitants of each village, and in their own respective neighbourhoods.

38. An important end that has been attained, and one that your Excellency will be pleased to hear of, is that British gold is to some extent current in Madagascar at a par value. We think it very probable that it will shortly obtain favour as a currency. The King is anxious to have a national coinage, and every information and advice were given to the Chief Secretary by the members of the Embassy.

39. Your Excellency will at once recognise the advantages to be derived from the presence of an English Resident at Antananarivo, duly accredited by Government. He should be qualified to give the soundest advice on matters of trade and finance; and, still more important, should be competent to justify the opinion that prevails at Madagascar with regard to the character of the English nation.

40. The Embassy found, with regret, that the Commander in Chief and Prime Minister (the two offices being conjoined) was suffering from serious illness, and utterly unable to attend to his state duties.

41. During the 17th, the members of the mission had many opportunities of contrasting the state of the country during the rule of King Radama, and that existing only six months before. It was imagined that Christianity had been entirely suppressed, but now Christians are to be found in all parts of the capital, and already a school has been established under the special patronage of the King, and, for the short time it has been in existence, appears wonderfully prosperous. The want of books is severely felt, their possession having been forbidden during the late Queen's reign. The few copies of the Bible that are to be found are nearly useless, having been for a long time concealed underground. By command of his Majesty, and out of special compliment to the Embassy, the schoolmaster and the children attending the school were dressed in European clothes.

42. The King, soon after our arrival, sent an officer to inform us that we were at perfect liberty to go where we pleased, particularly mentioning his own country house and pleasure grounds, and that of the Queen, the latter prettily situated at the bottom of the hill on which Antananarivo stands, in the centre of a small lake.

43. About

43. About one o'clock on the 18th, several officers of the palace came to announce that his Majesty was ready to receive the mission. We accordingly proceeded under this escort to the Silver Palace, in which the King received us. We were met by Ra Haniraka, the Chief Secretary of State for Foreign Affairs, and by him conducted into the royal presence, and formally introduced. Your Excellency's letter of congratulation was then handed to the King by Colonel Middleton. It was read, and interpreted to his Majesty. He expressed himself much pleased, and frequently repeated that it was his great wish to be on terms of the most cordial friendship with the English nation. The King was certainly sensible of the promptitude with which your Excellency had practically replied to the letter addressed by him. In fact, we had previously heard of the King's astonishment when told that the Embassy had already arrived at Tamatave.

44. Colonel Middleton then addressed his Majesty, and briefly enlarged upon the object of the mission. He alluded to the friendly feeling that England had always maintained towards Madagascar, and stated that it had been the anxious wish of the Governor and people of Mauritius to interpret that feeling to his Majesty as early as possible.

45. Colonel Middleton also mentioned that your Excellency was desirous of seeing trade extended. He alluded to the mutual advantages that would arise from such extension, and expressed a hope that no future interruptions would occur. He then cordially wished the King the blessings of a long and peaceful reign, and thanked his Majesty for the kindness he had displayed in his prompt reception of the mission, at the same time alluding to the constant care and diligence exercised by those officers who had been charged to conduct us to the capital. He then stated, through the intervention of Ra Haniraka, who acted as interpreter throughout, that some of the presents with which he had been entrusted by the Governor were in the palace, and they were accordingly presented.

46. Messrs. Newton and Mellish, who were respectively bearers of letters of congratulation from the Royal Society of Arts and Sciences, and from the Chamber of Commerce, handed those documents to his Majesty.

47. He made inquiries with reference to the Great International Exhibition of 1862, and promised to cause contributions to be sent; at the same time he stated that such specimens of the produce of the country as could be prepared before the departure of the Embassy should be forwarded in our charge. On our taking leave, his Majesty was again pleased to express his great satisfaction at the arrival of the Embassy in his capital.

48. The palace known by the description of former travellers, and by one of them incorrectly termed the Silver Palace, is a surprising building. It is plainly visible at the distance of 14 miles, before any other evidence of a town can be seen. It is at present unused on account of the Queen's death, and no one is allowed to enter it. The pillars supporting the roof are said to be of immense weight and size. There are three stories, and a double balcony with a heavy balustrade. The roof has a very lofty pitch, and is surmounted by the Hovah eagle in bronze with outstretched wings.

49. The Silver Palace was formerly occupied by the Prince, and is now used by his Majesty as a state residence, until the period of his coronation. Neither at this audience nor at the subsequent one were there any Europeans present, in addition to the members of the mission.

50. The individual members of the mission have great pleasure in mentioning the unvarying courtesy and attention which they received at the hands of Messrs. Laborde and Lambert, who are at present residing at the capital. A very strong feeling of attachment to the English prevails at Antananarivo, and English is spoken by several of the officers.

51. We particularly admired the ease and fluency with which Ra Haniraka expresses himself. His Majesty is at present unable to speak more than a few words of English or French.

52. Throughout the country the fact that Englishmen have once more penetrated to the capital, and, at the King's express invitation, is hailed with uniform gratification. We need not look far for an explanation of this feeling. The missionary work initiated 30 years ago will sufficiently account for it. Nearly all the arts with which the people are acquainted were taught them by the missionaries, and your Excellency would see with astonishment with what patience their workmen carry out any given task, and often with implements ill fitted for the performance of it. Their iron work deserves the highest praise.

53. The natural products of Madagascar would, merely in the detail of their names, exceed the limit of a Report like the present. Timber is, perhaps, the most important item. Gums also are very plentiful, and varied in their appearance. Several samples of timber and of gums, medical plants, &c., have been secured by the Embassy, and will doubtless, according to the promise of the King, be followed by others.

54. Your Excellency will observe the names and leading characteristics of some of the woods of Madagascar, as follows:

1. *Volombodipona.*—A dark red wood, exceedingly hard. It takes an excellent polish, and is used in the flooring of the "Silver Palace."

 2. *Vamboana.*—

2. *Voamboana.*—A light wood, much used for common purposes. It has an agreeable scent.

3. *Hazomena.*—A very large tree. The timber is also used in the palace. This tree must grow to the height of at least 200 feet, as the centre support of the palace roof is 120 feet high, and said to be one piece of wood.

4. *Varongy.*—A tall tree, the wood principally used for canoes.

5. *Ambora.*—A hard and very durable wood. This is used in the construction of the balconies of the palace.

6. *Hetatra.*—Used for ordinary building purposes.

7. *Valamia.*—A tall tree used for joists. The houses of the Hovas are constructed with the rafters at each end projecting many feet beyond the eaves. They are made of this wood.

8. *Harahara.*—A close grained valuable wood, but, as far as we could learn, only used for the construction of musical instruments.

55. The medical plants used in Madagascar appear to be for the most part those possessing vomitive and blistering properties. The *nux vomica* is very plentiful, and is used for the "*tangina*," or poison ordeal.

56. On the 19th, during a long interview with Ra Haniraka, the Chief Secretary, Messrs. Newton and Mellish had an opportunity of explaining the objects of the Great International Exhibition. Ra Haniraka repeated that the King had given him instructions to have samples of the various produce of the country prepared, and promised that more should be dispatched to Mauritius by an early opportunity. Ra Haniraka was informed that the Commissioners of the Exhibition would be requested to reserve a space for Madagascar products until the last possible day.

57. We had been invited by his Majesty to a dinner to be given on the 19th at the house of Rainlavone, the brother of the Commander in Chief, and one of the King's principal officers. His Majesty and the Queen were unable to be present, as the court were still in mourning. As on the occasion of our reception by the King, so again we were the only Europeans present.

58. Although there is every disposition on the part of the King and his Government to welcome Europeans, and treat them with respect and kindness, there is yet no truth in the report that the King has sought their official counsel, and has appointed one among the European residents to fill an important executive office. Such a step would be entirely opposed to the spirit of the Madagascar Government.

59. Monday, the 21st, was the day fixed for the farewell audience, and about one o'clock we accordingly proceeded to a house adjacent to the Silver Palace, escorted, as usual, by a number of officers.

60. The Embassy was again most graciously received by his Majesty, who informed Colonel Middleton that he had instructed the Governor of Tamatave to deliver to him 40 bullocks as a present to your Excellency. His Majesty was at the same time pleased to present the Embassy with a number of specimens of the woven silk manufacture of Madagascar.

61. The King expressed much anxiety that a mission should be sent at the time of the coronation, to take place in August. The King's wish was interpreted to Colonel Middleton, who undertook to represent his Majesty's desire in its proper light to your Excellency.

62. It was then formally announced to his Majesty that the two horses presented to him by the Governor and people of Mauritius had arrived in good order. His Majesty soon after expressed a wish to see them, and we adjourned to the court-yard of the palace. The King was pleased to express great satisfaction, as he had done with regard to the other presents.

63. Before taking our leave, Colonel Middleton again, in the name of the Governor and people of Mauritius, wished the King a long and happy reign, and cordially thanked him for our reception.

64. The Embassy then retired, after the King had wished a safe and speedy return voyage. On the following morning (the 22d) we were ready to start at eight o'clock, and took our farewell look at Antananarivo. The King sent a letter after us, expressing his regret, that in consequence of our sudden departure no arrangements had been made for any ceremonial, but stated that the Governor of Tamatave had been instructed to fire a salute on our departure; we therefore made our exit quietly, and without delay.

65. It was most satisfactory to see the state of things at Antananarivo, especially when we reflected that only six short months before scenes of cruelty and tyranny had been enacted which are difficult of belief. The Christian persecution had gone on, with little intermission, up to the time of the late Queen's death, and parties of Christians, who had been for many years in chains, were released at King Radama's accession.

66. Before

66. Before leaving Antananarivo, some of the members of the Embassy strongly urged the King, through the medium of the Chief Secretary, to send to England a deputation in time to be present at the Great Exhibition, and also to make arrangements for the education, at Mauritius, of a few of those who are now growing up with restricted views and experiences.

67. A promise was also made to send to Antananarivo various sorts of seeds, fruit trees, &c., as the climate is suited to all description of European produce, and it was promised that a qualified person should be appointed to select some plants in return.

68. Shortly after leaving Antananarivo, two members of the Embassy started in a south-easterly direction, in order to visit the iron mines of Imerinaro, distant about 28 miles. This portion of the Hovah country is very thickly populated. Every hill has a village on its summit, of course fortified. More cultivated land was observed here than had been seen before. The path is carried for a considerable distance along the bank of a clear, swiftly running stream, and the banks, naturally precipitous, are cut into narrow terraces, one above another, probably 10 or 15 in number, and cultivated with rice. The country for the first 15 miles south of Antananarivo is entirely granite in formation. At about that distance from the capital it becomes more level and clayey.

69. It was through the foresight and kindness of the Chief Secretary that the iron mines were being worked at the time of our departure from Antananarivo.

70. The mountain out of the side of which the iron is taken is evidently extremely rich in that, and no doubt other metals. The mine at present being worked is not more than 20 feet in depth, and the vein of metal is nearly vertical, and reaches to within a few inches of the surface. The ore is in very fine particles, and must yield an excessively large percentage of pure metal.

71. The ore is dug from the mine, carried to the nearest stream, there washed, and immediately taken to a neighbouring village. A rough crucible is then contrived, being about three feet high, and made of rough stones piled in a circle, and thickly coated with the tenacious clay of the neighbourhood. The ore and powdered charcoal are then placed in alternate layers.

72. The blast is then produced by two pistons working alternately in the trunks of trees hollowed out, the communication with the fire being effected through a smaller hollowed trunk fixed horizontally. The ore is then consolidated into half fused lumps, and removed to a more carefully constructed and permanent furnace made of roughly hewn stone, and cemented. The blast is produced in the same way, and the masses of iron are taken out at a white heat, and immediately placed on an anvil formed of a block of iron about six inches square, inserted in a piece of hard heavy wood. It is then hammered, whilst at a glowing heat, and handed over to be worked up as required. The workshops are all on the spot, and the manufacture of spades was being briskly carried on.

73. Much attention was shown to those members of the Embassy who visited the iron-mines; and your Excellency will be pleased to know, that whenever the mission halted, or indeed any individual member of it, the most unvarying attention was shown, and nothing left undone, as far as the acquaintance of the people with our wants could guide them, that could contribute to our facility of progress or to our comfort.

74. The entire party assembled at the last village of the Hovahs, Ankera Madinika, on the 23d October, and from that time up to our arrival at Tamatave, no great difficulty was experienced. We occupied only 11 days on the downward journey, whilst we were 15 days in the ascent. We performed the entire journey by land, avoiding the canoe travelling, which was less expeditious. When two days' journey from Tamatave we learnt that, thanks to your Excellency's foresight, H. M. S. "Brisk" was waiting to take us back to Mauritius. This fact, viz. that one of Her Majesty's ships was sent to ensure the Embassy's safe and speedy return, supplied the only link that was wanting to complete the chain of favouring circumstances attending the progress of the mission. We cannot conclude this Report without expressing our strong conviction, not only that your Excellency's promptitude in the despatch of the mission has given very great pleasure to King Radama and his people, but that it will materially tend to render his reign a prosperous one for Madagascar; and this conviction is strongly corroborated by the opinion of the King and his principal officers. They all consider the advent of the mission to mark, as it were, a turning point in the annals of Madagascar, and believe that it will exercise a lasting influence for good. And we must also, at the same time, register our sincere feelings of thankfulness that we have been favoured with such uniformly auspicious weather, and enabled to arrive at Mauritius without any untoward event having happened to mar the success of the mission.

75. We trust that your Excellency feels satisfied at that measure of success.

76. We append a statement of the names of the villages at which we stopped on our downward voyage, and the daily distances travelled. We choose the downward voyage as the

the country was familiar to us; and we regulated our days' journeys in a manner more likely to be serviceable to future travellers. We travelled the entire distance by land, that being more expeditious and less unhealthy.

We have, &c.

(signed) *W. A. Middleton.*
Lieut. Col. Royal Artillery.

F. A. Marindin,
Lieut. Royal Engineers.

Port Louis,
25 November 1861.

Edward Newton,
Assistant Colonial Secretary.

Edward Mellish.
J. Caldwell.

TABULAR STATEMENT of the Villages between *Antananarivo* and *Tamatave*, with their relative Distances.

22 October	From	Antananarivo to Ambatamanga		18 miles.
23 —	„	Ambatamanga to Mandrahody		21 „
24 —	„	Mandrahody to Ambohitroni		12 „
25 —	„	Ambohitroni to Ampasimpotsi		20 „
26 —	„	Ampasimpotsi to Alanamasaotra		8 „
27 —	„	Alanamasaotra to Beforona		18 „
28 —	„	Beforona to Ampasimbé		15 „
29 —	„	Ampasimbé to Ranomafana		20 „
30 —				
31 —	„	Ranomafana to Boiboahazo		20 „
1 November	„	Boiboahazo to Vavone		26 „
2 —	„	Vavone to Tranomaro		26 „
3 —	„	Tranomaro to Tamatave		21 „
				225 miles.

— No. 4. —

(No. 581.)

No. 4.
His Grace the Duke of Newcastle, K.G., to Governor Stevenson, C.B.
19 Dec. 1861.

COPY of a DESPATCH from his Grace the Duke of *Newcastle*, K.G., to Governor *Stevenson*, C.B.

Sir, Downing street, 19 December 1861.

WITH reference to my Despatch, No. 560,* of the 26th ultimo, I transmit to you herewith, under a flying seal, a letter which I have addressed to King Radama II., by the Queen's command, in answer to his letter to Her Majesty.

* Page 10.

Her Majesty has been pleased to order a portrait of herself to be painted for the King, which will be forwarded to you with as little delay as possible for transmission to Madagascar. A copy of the Holy Scriptures will also accompany it, together with other presents.

Considering

Considering that the benefits accruing from the liberal policy of the King, both commercially and politically, will be shared by this country as well as by Mauritius, I have deemed it just to propose to the Lords Commissioners of the Treasury, that all the expenses attending the mission and presents should be divided equally between this country and the colony, and their Lordships have approved of this.

I have, &c.
(signed) *Newcastle.*

Enclosure in No. 4.

His Grace the Duke of *Newcastle*, K.G., to *Radama* II., King of Madagascar.

Sir, Downing-street, 18 December 1861.

THE Governor of Mauritius has transmitted to me, and I have laid before the Queen of England, your Majesty's letter, in which you announce that you are King in Madagascar. The Queen of England has long known that you are a liberal and enlightened Prince, entertaining wise views respecting trade with foreigners and the education of the people, and she learns with pleasure and satisfaction that you reign in Madagascar. She desires that there may be always a kind and friendly intercourse between you and her, and between your people and her people. Encl. in No. 4.

The Queen has sent to you a copy of the Holy Scriptures, in which she has written her name, with a picture of herself, and some other presents, which she hopes you will accept as tokens of her friendship.

As one of Her Majesty's Principal Secretaries of State, I have been commanded by Her Majesty to express to you these Her Majesty's sentiments, and to add the assurances of my high consideration.

And I have the honour to subscribe myself
Your Majesty's sincere Friend,

(signed) *Newcastle.*

— No. 5. —

COPY of a LETTER from the King of Madagascar to Her Majesty VICTORIA, Queen of Great Britain. No. 5.

(Translation.)

Your Majesty,

I THANK you for the kind speed with which your Government has thought fit to send me an ambassador to congratulate me on my accession to the throne of Madagascar, and to assure me of the friendly feelings of England.

This day I send, in order to thank your Majesty, Mr. Lambert, to whom I give the most extensive powers to settle all affairs which may lead to the well-being and to the civilization of my people.

I have opened the ports of Madagascar to commerce, and I have given orders to the Governors to protect the persons and the goods of strangers who may establish themselves in this country.

I trust that the relations which may henceforth exist between the two countries may be most satisfactory.

Such are the wishes which I form from the bottom of my heart.

May God preserve your Majesty!

May He bless your family and your kingdom.

(signed) *Radama II.*

Antananarivo, 8 Alakarabo 1862
(9 November 1861).

— No. 6. —

No. 6. Queen Victoria to the King of Madagascar.

Victoria, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, &c. &c. &c.; to his Majesty Radama II., King of Madagascar, our most distinguished friend, sendeth greeting:

We have received with much pleasure the letter which your Majesty addressed to us by Mr. Lambert, and we gladly embrace the opportunity which that letter affords us, to express to you anew our cordial congratulation son your accession to the throne, and our best wishes for the long continuance and prosperity of your reign. We rejoice to learn that your Majesty has opened the ports of Madagascar to commerce, and that you have given your commands to your officers to protect the persons and property of strangers who may resort to your dominions. These liberal and enlightened measures will not only establish friendly relations between Madagascar and other countries, but will, we are persuaded, greatly promote the welfare of your people, by offering to them inducements to develope the internal resources of the great and fertile island over which you rule, and by opening channels for the interchange of the fruits of their industry with foreign countries. With a view to maintain and improve the friendly intercourse between our subjects and those of your Majesty, we shall be ready to enter into a treaty of friendship and commerce with your Majesty, and it is our intention shortly to send to your capital a person possessed of our confidence, who will be furnished with the needful instructions and powers for that purpose.

In the meantime we write this letter to assure you of our friendship and good-will, and of our earnest desires for your uninterrupted health and happiness. And so we recommend you to the protection of the Almighty.

Given at our Court at Windsor Castle, the 21st day of March in the year of our Lord 1862, and in the 25th year of our reign.

Your good friend,
(signed) *Victoria R.*

(Countersigned) *Russell.*

— No. 7. —

No. 7. Instructions given to the Members of the Madagascar Mission; dated 8th July 1862.

The officers in charge of the Queen's letter and presents to King Radama, viz., the Honourable Major General Johnstone; the Right Reverend the Lord Bishop of Mauritius; Inspector General Anson, Captain R. A.; Captain Wilson, R. N.; and Lieutenant Oliver, R. A., acting as General Johnstone's Aide-de-Camp, will proceed in Her Majesty's ship, "Gorgon," to Tamatave, and thence with all possible expedition to the capital of Antananarivo, where they will receive possession of the presents, which, for the sake of expedition, have been placed under transit charge of Mr. Caldwell.

8th July.

2. Major General Johnstone will deliver the accompanying letter from myself to King Radama, and will ask, for himself and the accompanying party, an interview with the King, for the purpose of placing in his Majesty's hands the Queen's letter of compliment and friendly assurances to King Radama, and of delivering the presents of which the party are in charge.

Sealed.

3. I entrust the Queen's letter, which is under Her Majesty's sign-manual, to the express care of Major General Johnstone, for personal delivery to the King at this interview; and I wish him to convey, in Her Majesty's name, every renewed

renewed assurance to King Radama of the continuing friendship of Her Majesty and the people of England towards himself and his country, and the desire to see and to aid in its material advancement and prosperity; and to repeat to the King that, for the purpose of carrying out such objects, Her Majesty has sent, as announced in her letter, a Consul to reside at Madagascar, and to protect and promote British trade and enterprises there, as well as to aid in advancing the mutual interests of the two countries—Madagascar and England. The King may be informed that, for the purpose of affording his Majesty early information of the contents of the Queen's letter, before the original could be placed in his hands in proper official form, a copy of that letter was lately forwarded to his Majesty by the hands of the Reverend William Ellis; and that the British Consul, who may possibly have already arrived, was furnished with another copy, to avoid the chances of miscarriage.

4. Major General Johnstone will then present to the King the Right Reverend the Lord Bishop of Mauritius, and inform his Majesty that the Bishop will place the copy of the "Holy Scriptures" in his Majesty's hands; and the Bishop can accompany the gift of the "Holy Bible" with any hopeful words which his Lordship may consider appropriate to the occasion.

5. Major General Johnstone will then present Inspector General Anson and Commander Wilson to the King, as the officers charged with the care of the remaining presents, which will then be laid before his Majesty in the Queen's name, with Her Majesty's best wishes to the King; and the General and these officers can explain to his Majesty the particular uses of any of the presents which may require description.

6. This duty being ended, Major General Johnstone will inform the King that it would be the wish of Her Majesty that he, and the accompanying officers, should be allowed to do honour to the occasion of the coronation by being present thereat, and may ask his Majesty's permission to attend and witness the ceremony; and should the King express a wish that they should form part of the pageant in any complimentary manner, they are at liberty to do so, in testimony of Her Majesty's good feeling towards the King and his Government and people. But care must be taken to avoid any uninvited act that may be construed into an assumed political interference, or which might not be equally performed (under similar invitation) by the high officers of any other Government that may chance to be present on the occasion. Any assistance that may be given at the ceremony must be confined to that only which may be invited on the part of the King, and be afforded as a compliment and honour to the occasion. In case of any doubt, the British Consul may be consulted; and I believe that Consuls from one or two other Governments will be present at the coronation, and, probably, similar acts of compliment will be invited from visitors or emissaries from other countries also. There should be a common and united feeling among all to join in doing every honour to the occasion.

7. At the close of the ceremonies, or as soon after as may be most convenient, the party may return to Tamatave; but I have no desire to hasten their return with the same expedition with which they will be obliged to proceed to the capital, in case it be desirable to pursue any useful inquiries on the spot, or they may be invited to furnish to the King any information they may possess for practical purposes of mutual interest and advantages: at the same time, it is not desirable that the stay of the entire party should be unnecessarily prolonged.

Captain Wilson wishes, on account of other duties, that there should be no unnecessary delay.

(signed) *W. S.*

8. For the general convenience of account and responsibility, I leave all detail arrangements where I have already placed them, with Inspector General Anson, who will consult the convenience and accommodation of the General and the Bishop, and obtain all the assistance that can be given by Commander Wilson and Lieutenant Oliver.

9. Upon arrival at Tamatave, when the probable period of return (with reference to the close of the coronation) can be better ascertained, Captain Wilson can make arrangements for the return of the "Gorgon" to Tamatave, to bring back the party, should he find it desirable to send her on a cruise or on any other duty in the interval.

 10. The

10. The usual complimentary salutes should be fired from the "Gorgon" on arrival and departure.

(signed) *William Stevenson.*

Government House,
8 July 1862.

— No. 8. —

No. 8.
James Murray, Esq., to Sir F. Rogers, Bart.
25 August 1862.

COPY of a LETTER from *James Murray*, Esq., to Sir *Frederic Rogers*, Bart.

Sir, Foreign Office, 25 August 1862.

I AM directed by Earl Russell to transmit to you, for the information of his Grace the Duke of Newcastle, a copy of a Despatch from Her Majesty's Consul at Réunion, reporting the appointment by the French Government of a special mission from that island to assist at the coronation of the King of Madagascar.

I am, &c.
(signed) *James Murray.*

Enclosure in No. 8.

Encl. in No. 8.

My Lord, Réunion, 3 July 1862.

I HAVE the honour to inform your Lordship that, in addition to the gentleman who has been selected by his Majesty the Emperor of the French to be the bearer of the presents to the King of Madagascar at his ensuing coronation, and whose arrival from Suez in a war steamer is daily expected, a special mission has also been appointed from this island to assist at the ceremony.

His Excellency the Governor of Réunion entertained the various members of this mission at a banquet a few days since; and in proposing the health of his Majesty the Emperor of the French, alluded to the "political and commercial relations about to comence with Madagascar, and the preponderance which France is called upon to exercise in this African territory."

The mission consists of M. Dupré, Commandant of the Naval Station, Chief of the Mission; M. Lesseline, Lieutenant Colonel of 4th Marine; M. Delagrange, Naval Lieutenant and Commandant of Sainte Marie, in Madagascar; M. Dewatie, Aide-de-Camp to M. Dupré; M. Lange de Fernèses, Naval Lieutenant; M. Magières, Captain Marine Artillery; M. Prud'homme de St. Maur, Captain and Adjutant of Marine; and his medical officers.

All these gentlemen are on the point of departure for Madagascar in the Steam Frigate "Hermione," (42), the flag-ship of the station.

I have, &c.
To Earl Russell, (signed) *J. D. Hay Hill.*
&c. &c. &c.

— No. 9. —

(No. 248.)

No. 9.
Sir W. Stevenson, K.C.B., to the Duke of Newcastle, K.G.
4 November 1862.

EXTRACT of a DESPATCH from Governor Sir *W. Stevenson*, K. C. B., to His Grace the Duke of *Newcastle*, K. G.

Mauritius, 4 November 1862.
(Received, 12 December 1862.)
(Answered, No. 867, 14 January 1863, page 38.)

IN continuation of my Despatch No. 147, of the 7th July, in which I reported the arrangements I had made for the transmission and delivery of the Queen's letter and presents to the King of Madagascar, and for aiding in doing honour to his coronation, by authorising the officers who were to be the bearers of the letter and presents to remain and assist at the ceremony:

I have now the honour to report that the officers charged with that duty left Mauritius in Her Majesty's Ship "Gorgon" on the 12th July, and, after completion

pletion of all the services required of them, returned on the 12th ultimo, after a longer absence than I anticipated when I sent them, but which was rendered necessary by the postponement of the coronation, and their required duty of assisting at the pageant.

The officers and others who finally formed or accompanied the mission consisted of Major General Johnstone, commanding the troops in the Colony; the Lord Bishop of Mauritius (charged with the special duty of presenting the Bible to the King); Inspector General Anson, Captain Royal Artillery; Lieutenant Oliver, R.A., acting as aide-de-camp to the General; and Dr. Mellor, a medical gentleman and naturalist attached to Dr. Livingstone's African party, and then on board Her Majesty's Ship "Gorgon" on his return to Africa, who, at his request, was authorised to accompany the party to the capital. The Bishop and Doctor Mellor did not remain for the coronation, but returned about the middle of September.

* * * * * *

The result was, under all circumstances, as satisfactory as could have been desired; and I am happy to be able to report that the head of the party, and all others who were attached to the mission, or afforded their assistance, performed the various duties with which they were entrusted entirely to my satisfaction.

* * * * * *

I have now the honour to transmit copies of two official communications which I have received from General Johnstone, reporting the arrival of the mission at their destination, and the performance of their duties, together with the accompanying report from the Bishop, and a narrative of his visit to the graves of the massacred Christians; also a botanical report from Dr. Mellor, and an excellent map of the route by Lieutenant Oliver, R. A.

I also add a short report from Inspector General Anson (Captain, R. A.), to whom the specific charge of the presents was confided, showing that he faithfully discharged that part of his duty.

* * * * * *

I hope I may ask your Grace to authorise me to express to General Johnstone, Captain Anson, and the other members of the mission, as well as those who afforded their assistance, your satisfaction at the successful results, and at the manner in which they respectively performed their duty.

Enclosure 1, in No. 9.

Encl. 1, in No. 9

Your Excellency, Port Louis, 27 October 1862.

On the 20th August* I had the honour of addressing you on the subject of the mission to King Radama II. Up to that period we had hoped the coronation of his Majesty would have taken place early in September. It was found, however, impracticable to expedite it to any day prior to the 23d of that month; and although this delay involved many inconveniences, yet there were so many strong reasons to enforce it, that none of us were found to urge objections to their necessity.

* This was one of the missing Despatches never received by me. (signed) *W. S.*

The crown and robes, a present from the Emperor of the French, had not yet arrived; the cars of state, the dresses of the Queen and her court, the materials for the uniform of the bodyguard, were all still on their way from France. The return of King Radama's ambassador from France, with the crown and other costly presents, had not yet occurred; nor was it expected before the first week of September. The day named for the pageantry was the King's own birthday; and furthermore, before that day could arrive, the numerous deputations of chiefs and warriors from distant tribes could not be expected to appear.

During the intervening time we had opportunities of becoming acquainted with the court and people, and of acquiring useful knowledge respecting the capabilities of the country; our intercourse with the King, his ministers, and the people composing his court was constant, and of a most friendly nature. Their Majesties, especially the King, showed a very marked attention to the English Mission. The King's condescension to the young men composing it, and attached to it, was extremely gratifying. The good deeds of England in former days, in her abolition of slave traffic, and in paying to the Madagascar Government (although herself a loser by the act) a full compensation for the losses sustained by the

Government, as well as by individuals, have stamped the national character of England most favourably on the grateful hearts of the Malagash people. The self-sacrifice of the pious missionaries, their devotion to a labour of kindness towards the nation in everything that constitutes or aids in true civilization, were of themselves our best introduction to the goodwill of the people. Our prolonged residence amongst them, therefore, was in many respects most gratifying. It may safely be said that the rejoicing was general and sincere, on its being made known that the English Mission was to remain. Everything was done to make our continued residence agreeable; and what with the amusements of the court, and the changing variety of incidents involving interest, we found the time pass swiftly, and the day of the coronation approach almost before we were prepared for its arrival.

During two nights preceding the ceremony, the whole country was brilliantly illuminated, and on the first of these (namely, the 21st September), a conflagration took place in the town, threatening its total destruction. The conduct of Lieutenant Wadling, of the 5th Fusiliers, was on that occasion most energetic, and his courage and activity in arresting the flames very conspicuous. The King, who was witness to the scene, expressed very forcibly his sense of Lieutenant Wadling's services, and invested him with a third-class Order of Radama: and as it was gained at the manifest risk of his life, I much trust your Excellency will move Her Most Gracious Majesty to allow this young and gallant officer to accept and wear this order, in memory of the great service he rendered on this occasion to the King and people of Madagascar.

His Majesty was pleased to invest myself and four other British officers with othe decorations of the same order. We solicit the same favour for ourselves, in this respect, as I now ask for Lieutenant Wadling.

On the morning of the 23d September, the coronation, after a night of great excitement throughout the capital, took place. Every house in it was filled with visitors from far and near. No one seemed to seek for rest or sleep; merriment resounded through the streets the whole night long. Before dawn a cannon announced, with reverberating boom through the rocks, the approach of the auspicious day. By seven o'clock all the ladies of the Royal Family, clothed in scarlet cloth of the finest texture, and most richly embroidered in gold, were on their way from the palace and its neighbourhood to the Sconce, or sacred stone on which the Kings of the Hovas are crowned. By about noon the King had mounted the däis erected over the sacred stone, and placed the crown himself on his head. He then with his own hands crowned the Queen, by placing on her head a diadem of great beauty, also understood to be a present from the French.

The King then addressed the people with energy and dignity, after which, retiring to his chair of state, it was signified to the chiefs that he would accept their offering, or Hasina.

All the chief men of the country—all the chiefs of tribes and clans—all the foreigners, and in some cases women, representatives of tribes, came forward one by one, as they had opportunity, to present an offering of money, in gold or silver: this, with a few complimentary words, was given to officers in front of the canopy or däis, and by them placed in a box covered with scarlet velvet.

A certain order of procession had been arranged by the English and French Consuls, but not made public. There was great confusion in proceeding to and returning from the place of coronation. The distance from the palace to the sacred stone may be considered more than two miles; all the distance was carefully and well guarded by double lines of soldiers facing inwards, who, with their bayonets, preserved an open and free passage for the procession.

There could not have been less than 20,000 men under arms on this and similar duties. A large bodyguard, remarkably fine men, all appropriately dressed and armed, accompanied the King and Queen. The King, dressed in the uniform of a field-marshal of England, rode a very beautiful Egyptian horse, magnificently caparisoned, a present from Monsieur Lambert. The palanquin of the Queen, like a triumphal car, was of beautiful construction and costly material. She herself was magnificently dressed, and exhibited a truly royal appearance. The nobles and officers of all kinds were dressed hardly less splendidly; to enumerate their costumes would be difficult. Many varieties of uniform, most of them exhibiting great elegance, gave gaiety to the scene; most of them were of the richest possible velvets, embroidered in the most expensive and tasteful way: some were from France—many were the work of the Malagash themselves.

One of the nobles, Ranickotova, astonished all beholders by the magnificence of his helmet, which appeared to be of burnished gold, with large precious stones set in the body, or gracefully pendant in drops from the crest. Excepting in the confusion of the procession, all went off remarkably well. There was a splendid banquet in the evening, when many loyal toasts were given in honour of the occasion. Commodore Dupré proposed the health of the newly-crowned King in brief and forcible eloquence.

* * * * * *

On the 24th of the month we bade farewell to the King and Queen of Madagascar, as well as to the French Mission, with many expressions on all sides of reciprocal good-feeling. Our journey to our port of embarkation was rapid. By your Excellency's kind provision for our comforts, we found the man-of-war steamer the "Gorgon" waiting for us

us at Tamatave; and after four days' sail arrived, after an absence of three months to a day.

A report of this nature would be incomplete without some notice of the present condition of Madagascar. Other pens than mine have made your Excellency and the public familiar with it during the last 12 months, and have, at the same time, entered into full descriptions of the travelling route from the coast to the capital; mine would be of little value excepting in corroborating the fidelity of those to which I refer. I attach a map, drawn with great accuracy and beauty of execution by Lieutenant Oliver, of the Royal Artillery.

I append also a memorandum, to which your Excellency will doubtless attach great value, from the pen of Dr. Mellor, on the Botany, Geology, and Animal Life of the country, embracing at the same time a notice of our daily route. By this, as well as by Lieutenant Oliver's map (to which this part of Dr. Mellor's memorandum is a fitting pendant), it will be seen that we estimate the journey at 204 miles, being about 50 miles less distance than the usual computation.

I add also a memorandum from the pen of the Lord Bishop of Mauritius, giving his impressions on the state of Christianity amongst the people, and a most interesting account of his visit to the places where numbers of them suffered martyrdom for their profession of Christian truth.

A report as to the agricultural productions of the country, in reference to its capabilities in furnishing supplies of corn, rice, sugar, potatoes, and of vegetables generally; as to its wealth in grazing-lands and herds of cattle; also as to its sheep and poultry, has, I understand, been furnished you* by Deputy Assistant Commissiary General Castray, who preceded the mission on public service, connected with the plans of Commissary General Routh for military supplies of this colony.

* Not yet received. *W. S.*

The information your Excellency has received from so authentic a source of the fertility of the soil, and the extraordinary cheapness of all food, animal and farinaceous, cannot fail in being of value and interest to a colony which produces an insufficiency of food for the consumption of its own inhabitants. With these additions to my own report, I am in hopes that the poverty of mine may be excused.

I venture to express a hope that your Excellency will approve of the endeavours of each member of the mission to fulfil the object prescribed to us individually and collectively.

I have, &c.,
(signed) *M. C. Johnstone,*
Major General.

Enclosure 2, in No. 9.

Encl. 2, in No. 9.

Sir, Tamatave, 2 September 1862.

In compliance with your request, I have the honour to enclose to you, for the information of His Excellency the Governor, a report of that part of the proceedings of the Special Mission, sent from Mauritius to convey the presents of Her Majesty Queen Victoria to the King and Queen of Madagascar, which fell under my observation, and was connected with the object which I had in view, and the commission which I was appointed to discharge.

2. In doing this, I shall be unable to avoid the mention of the important part taken by yourself in some of the interviews which I feel it my duty to describe; and I shall therefore have to regard this communication as addressed to His Excellency, though passing through your hands as the head of the mission.

3. Ever since the authentic account of the accession of Radama II., to the throne of Madagascar reached Mauritius, I had been anxiously awaiting a suitable opportunity for proceeding in person to Antananarivo, that I might ascertain in what degree, and in which parts of the island, openings present themselves for the missionary operations of the Church of England.

4. Various causes prevented me from finding such an opportunity until the middle of June of this year, when it was told me that Mr. Caldwell was going in charge of certain presents. Having travelled with that gentlemen in 1859, when he formed part of the commission sent to visit the Chagos Islands and other dependencies of Mauritius, I at once formed the resolution of endeavouring to go with him. On Tuesday, June 17th, I waited on the Governor, and communicated my wishes to him; whereupon His Excellency informed me that a special mission would be sent to give the presents; that among those presents was a copy of the Holy Scriptures, with the Queen's sign-manual in it; and that he thought it would be very appropriate if I were to be the medium of conveying that gift to the King. The proposition was one of the most acceptable that could have been made to me, and I expressed my great satisfaction at the prospect of having such a part to perform.

5. His Excellency then promised, on receiving a written application from me, to endeavour to secure a passage for me in Her Majesty's Ship "Gorgon," which was expected from the Cape to take the mission to Tamatave.

6. It was very gratifying to me to find that our churchwardens, and other leading members of our congregations, fully supported the step which I proposed to take; and all who could in any way help to provide for the wants of the journey showed the greatest alacrity and kindness in doing so.

7. We started in the "Gorgon" on the 12th of July, and I trust I shall ever retain a grateful sense of the kindness which I met with from all on board. Captain Wilson and his officers and men did all that they could to make my passage comfortable; and a cot, intended to serve as a palanquin by day and a bed by night, was constructed for me on board, which was the means of my enjoying such comfort, especially in immunity from the attacks of rats and insects at night, as I believe few travellers to Antananarivo have ever possessed.

8. We arrived at Tamatave on the 15th of July, and started for the capital on the 22d, reaching it on the 8th of August. I again left Antananarivo with Deputy Commissary General Castray and Dr. Mellor on the 18th of August, and we reached Tamatave on the 28th. Mr. Castray's experience as a traveller enabled him to show me very efficient kindness, and Dr. Mellor's medical skill was of great use to me, while Captain Anson's thoughtful provision for the wants of the journey deserves my very grateful acknowledgment. In connexion with the object of my visit, I may mention here, in general terms, that at each terminus of our journey, and all along the road going and coming, we met with proofs of the earnest desire of the people for the Word of God; that the Christians everywhere gave me the most cordial welcome, the first evidence of which was a letter addressed to me on board the "Gorgon," thus—"To the beloved brethren on board the ship;" that their meetings in Tamatave and at Antananarivo seemed to be characterised by much fervency and devotedness of manner, and that they most fully respond to all that they hear about the deep interest felt by Christians in England and elsewhere in their welfare. Many grave and important conversations were held between Mr. Ellis and myself on the condition, prospects, and wants of Madagascar, and I ascertained how large and how interesting is the field open for the efforts of the Church of England there.

9. A very favourable opportunity occurred for presenting the Bible to the King. As we arrived in Antananarivo on the Friday, it was decided that we were not to be received publicly till the Monday following, by which time the other presents had not yet arrived. I had ascertained in the interval that the coronation was put off till the 23d September, which was far beyond the time that I had proposed to stay, and also that there had been much disquiet in the Court at Antananarivo, from various rumours about the placing of the crown on the King's head by some envoy from France (which had been the first report), and then by the general from England; and that the King had fully entered into the idea that it was a compact between himself and his people, with which no other nation had any right to interfere. It was a great relief to my mind that I was able to point to that part of our instructions which expressly limited our even being present at the ceremony to the condition of our being invited to attend. Having thus ascertained that there was no sufficient reason to induce me to stay away from my own special work in Mauritius till the coronation was over, I was the more anxious rightly to discharge the duty (which I felt to be a solemn one) of presenting the Bible to the King, in the name of our Gracious Sovereign. It was then arranged that I should do this on the Monday, when we were to have our first audience; and when his Honor the Major General had introduced me, I offered the precious volume to His Majesty, with the following words, each paragraph being interpreted by the able Secretary for Foreign Affairs, Rattanarika:—

"Sire,—It is my pleasing duty to present to your Majesty, in the name of my Gracious Sovereign Queen Victoria, a copy of the best of all books—the Holy Word of God. I trust that your Majesty will receive it as a sign of the heartfelt interest with which the Queen of England and her people desire to help, as far as they can, in promoting the welfare of the rulers and people of Madagascar. The Bible has been to the Royal Family of England the ornament of many years of such public and domestic happiness as few princes have ever enjoyed*; the Bible has been the solace and stay of our beloved Queen in that deep sorrow which befel her when her Royal Consort was suddenly taken away by death. It is therefore a treasure of which she appreciates the value—a source of light and strength of which she knows the depth and purity. May it prove to your Majesty, under the teaching of that Holy Spirit by whom it was indited, a fountain of wisdom for guidance in the discharge of your high and important duties,—a means of advancing in true and solid progress,—and a channel by which the love of God in Christ Jesus may be more and more fully conveyed to your own soul! It is a book full of encouragement, as your Majesty already knows, to all who desire to glorify God by doing good to man—a book which shows how the light of the Almighty's countenance and favour shines on every effort to teach and train the young in the way in which they should go, and to alleviate the sorrows of the needy, to relieve the oppressed of their burdens, to maintain the cause of the helpless, to distribute equal justice to all classes in the State; and I cannot more fully express the earnest and affectionate solicitude which, I trust I may be permitted to say, I feel for your Majesties, and for all ranks and degrees of men, in the large and beautiful island over which you

* *Sic* in orig.

you are called to rule, than by offering the fervent prayer that the light of this sacred book may shine brightly in all the homes of Madagascar, from the King's palace to the peasant's cottage, and that, under that heavenly influence, peace and happiness, truth and justice, religion and piety may be established amongst you for all generations."

10. At the close of this address, the King warmly shook my hand, and seemed very much pleased with the gift, and especially with the handwriting of the Queen in one of the opening pages. On the next day, at a private interview, I gave his Majesty a copy of the Church Services, and with it the prayer which I have used at our services in Madagascar, for himself and the Queen, immediately after the prayer for Queen Victoria. Mr. Ellis, who was present soon after the interview began, mentioned it as one of the causes why the English people loved their Queen so much, that they were always accustomed to pray for her. Captain Anson, soon after, presented his Majesty with a microscopic photograph of the Queen, which was looked at with much interest; and we then took occasion, from the comparison of two excellent atlases which were on the table, to point out the situation of Madagascar with reference to Africa, and that of Britain with reference to Europe, which led to much interesting conversation on educational and other matters. The King then placed his arm within mine, and took me to see the school which he is building, on a spot of ground about a quarter of a mile distant towards the southern slope of the hill. He expressed much satisfaction at the prospect of my being able to do anything for the good of his people in any part of Madagascar, and said, that if any of them wished to send their sons to the Royal College of Mauritius, or to England, he would freely give them leave to go. I saw his Majesty on three subsequent occasions, and am thankful to be able to state that he treated me throughout in the most kind and courteous manner, and that both the Queen and himself received me with such consideration and hospitality as I hope always to remember with gratitude. A pleasant souvenir of the Court of Antananarivo was given me by their Majesties, at my parting visit, in the form of a beautiful lamba, of native manufacture.

11. It had been my wish to leave Antananarivo on Tuesday the 14th, as I had discharged my commission, obtained a private interview with the King, and on the Wednesday visited, in company with Mr. Ellis and a body of Native Christians, the four spots where martyrs had suffered in the recent persecutions; but finding it was expected that I should stay for the Royal banquet, to be given to the English Mission on Saturday the 16th, I decided to remain, and thus was able to avail myself of the invitation given by Commodore Dupré and Monsieur Laborde, the French Consul, to a dinner in honour of the birthday of his Majesty the Emperor of the French. We all attended, and it was most gratifying to observe the enthusiastic applause which followed the speech given by his Honor the Major General, in the French language. Then, as on other occasions, he enunciated, very distinctly, the idea that we came to Madagascar as sincere friends; that the interests of England and of France did not require measures of aggrandisement for themselves in Madagascar, but mutual efforts to promote her advancement and civilisation. He alluded, with much feeling, to the instances of late years, in which England and France had been side by side, and warmly expressed his hopes that it would be so here.

12. Soon afterwards the Commodore Dupré rose, and expressed, for himself and his countrymen, the delight with which he had listened to the General's speech, saying how entirely he concurred in all that he had said, and referring to the order conferred by Queen Victoria, which he had the honour to wear, as a token of the esteem and respect which the officers of the two nations cherished for each other, when they had opportunities of knowing each other. He had had many opportunities of knowing English officers—he had fought by their side; and he rejoiced to know that intelligent men, men of experience on both sides, deprecated so thoroughly the idea of war between the two countries, which ought steadily to go on aiding, wherever they could (as, for instance, in Madagascar), the great work of civilization.

13. I have given this short summary of the respective speeches of General Johnstone and Commodore Dupré, because they illustrate the spirit in which all our intercourse with the members of the French Mission was carried on. Personally, I have to express my deep sense of obligation for all the kindness shown to me by the naval and military officers, and the Consul, and by M. Lambert, whom I met on my return. When I arrived at Tamatave, Mr. De Presbourg, the officer left in command of the "Hermione," heard that I was not well, and at once sent to offer me any medicines which could be had from their stores; and in other ways, either in person or by his officers, showed the most kind attention.

14. At the Royal banquet, on the 16th, given at the house of the Commander in Chief, I had the opportunity of observing the character, and learning the wishes, of several young men of the higher families; and the result of such observation, then and on other occasions, has been to produce feelings of sincere and earnest interest in their behalf. The talent with which these rising young men adapt themselves to different and widely distinct employments is very remarkable: marshalling the soldiers at one time,—writing letters, composing music, leading a choir of singers, superintending the planting of rice; some of them guiding the devotions of their brethren, expounding fluently the Word of God—others applying themselves diligently to the study of the first rudiments of English when they have not had the advantage of learning it in earlier years, and leaving the Primer or the Grammar to go off to their duties as aides-de-camp to the King, or to some of the ministers. All these varied

calls on their attention are met with a cheerfulness and readiness which form a very favourable augury for their future usefulness. Mr. Ellis has great influence with them.

15. On Sunday, the 17th, I went to a native congregation, gathered in a large shed-like building. It was one of four, and there seemed to be more than a thousand persons present. I addressed them, through Mr. Ellis as interpreter; and many of them came to wish me farewell, in the afternoon and evening of the day. My impressions about many of them are exceedingly favourable; and especially with reference to their love and veneration for the Word of God. Persecution has given a deep and, in some cases, plaintive tone to their utterance of religious sentiments, and a great fervour to their affection towards other Christians. The names of the former missionaries of the London Missionary Society are held in most honoured remembrance amongst them. I was very much pleased with the spirit manifested by the newly-arrived missionaries, whom we met on their way up to the capital, as we were journeying down; and I feel that it would be wrong to omit, in such a report as this, the constant daily kindness of Mr. Ellis, whom I saw every morning, and frequently also at other times of the day.

16. As I have mentioned the interviews we had with the King, with reference to the presentation of a copy of the Holy Scriptures and the educational wants of the people, perhaps it may be advisable for me to fill up the account of our proceedings, in matters thus connected with my own sphere of duty, by giving a summary of the addresses made when the representatives of the Christian congregations came to us with words of welcome and the offering of presents.

17. When the leading members of the deputation had expressed their great pleasure at our visit, and their wish to show, in some substantial way, their goodwill and affection towards us, the General replied, through Mr. Ellis, that he felt their kindness very deeply; that he rejoiced in receiving such a mark of the goodwill of those whom he trusted he could regard as Christians not only in name but in reality; that the fact of many of them being related to the higher families in the land added much to the importance of their being real servants of the Lord Jesus Christ, as their good example might have so great an influence on others; that he prayed they might be blessed of God in their basket and in their store, in their persons and in their families, and that we might meet together hereafter in a better land above.

18. A very marked effect was produced on them as Mr. Ellis interpreted the address, of which the above is only a summary; and I then spoke to them in substance as follows, Mr. Ellis again acting as interpreter:—"I am very thankful to receive such words of affectionate kindness from you and other Christian brethren here. They answer to the feelings of my heart towards you, and I have had such feelings for many years now. I have read a great deal about Madagascar in Mr. Ellis's books and others, and I have thought about you and prayed for you often; and now, on coming to visit you, I am received by all the Christians I have seen with much love and kindness, and I am very thankful for it. If I can do anything for you, it will give me much pleasure, for I earnestly desire your happiness. You have given us a very valuable present; but we value it chiefly because of the affectionate feeling and kind words with which you have accompanied it. I shall now pray that God may bless you all; and though I do not know your language well, I shall say the words in Malagasy, taking them from the New Testament (2 Cor. xiii. 14): 'Ny fahasoa any ny Jesosy Kraisty Tompo, ary ny fitianana Andriamitra, ary ny fiharianar ny Fanahy Masina ho arny nareo rehetra anie. Amena.'"

19. The great want of the country at present is education. There is an abundance of talent to be cultivated, and of energies to be rightly trained and well directed; and one of the most hopeful signs, to my mind, of good days to come, for the development of Madagascar, is the aptitude and eagerness which I have observed in many of her sons for receiving and imparting the instruction, spiritual and intellectual, which must lie at the foundation of all true progress, and lead to the steady development of national greatness and prosperity.

I have, &c.

His Honor Major General Johnstone. (signed) *Vincent W. Mauritius.*

Encl. 3, in No. 9.

Enclosure 3 in No. 9.

NARRATIVE of the Bishop of Mauritius, of his Visit to the Places where the Martyrs suffered.

ON Wednesday the 13th, Captain Anson accompanied me to Mr. Ellis's house, from whence he guided us to places of most touching interest—the spots where the martyrs were put to death. Several Native Christians, most of them leading men in the congregations, accompanied us; and while their presence added greatly to the reality of the impressions made on us, they were also able to fill up many of the little incidents which give so much effect to the description of such events. We proceeded along the crest of the hill on which the city is built, passing by the King's palace, the house of Prince Ramonga, the school which

which is being erected, and at last came to an unoccupied space, at the end of which, overlooking the steep ascent at the southern extremity, was, first of all, a slightly elevated mound, with the remains of the perpendicular part of the cross on which several had suffered still in the ground, and the transverse part lying on the grass, and then a ditch, some feet down the slope, where many Christians had been speared, some of whose bones were there when we visited the spot. The subdued and yet eager manner in which the native Christians described what had happened, was quite exciting to witness. It made old stories of martyrdom appear quite recent and fresh. From the parts interpreted and explained to me, I gathered the following facts: That the Christians went to their deaths with cheerful countenances, singing hymns as long as they were able to do so. Straw was stuffed into their mouths, by their persecutors, to stop them, but, until violently hindered, they sang loudly the praises of God. Some of the heathen, who were particularly desirous of seeing how they behaved when the last hour of suffering came, confessed afterwards that nothing so impressed them as the courageous demeanour and glad singing of those who were being led out to death. A large crowd seems to have followed, on the occasions to which our friends referred, with shouting and imprecations, against the Christians. The victims were taken into the ditch, and made to bend forward, and then two spears were driven into their bodies from behind, one on each side of the backbone; and when they fell prostrate with wounds, their heads were cut off, and placed in rows along the edge of the ditch. The heads of five members of one family were placed thus in a row on one occasion, and 13 others behind them, and were left a long time there, till removed secretly, as I understood, by their friends. The whole scene, the description, the mournful tone of voice, the affectionate earnestness of manner of those who told us, some of whom had been for years exposed to the most imminent danger themselves, all produced a most solemn effect on the mind. There was a keen wind blowing strongly from the south-east, reminding me of the breezes on Hampstead Heath, and the story to which we were listening made me realise the deep sympathy which Christians at home would feel in all such records and evidences of the faith and devotedness unto death of that part of the noble army of martyrs who had suffered where we stood.

2. On going from the extremity of the hill back towards the town, we descended, by a very steep path, so as to go under the rock from which many had been hurled. Mr. Ellis pointed out, in one of the many villages which are, as it were, dependent on Antananarivo, the spot where several persons were stoned or beheaded, I think, as recently as 1858, because they were Christians. We then passed along the base of the town hill, crossed a very deep ditch, and ascended, as near as we could get, to the fatal rock from which many had been hurled; and on a comparatively recent occasion, as many as 18 at once. The summit of the rock is in sight of the western verandah of the large palace. One fall, appearing to be of more than 70 feet, brought the victims to a rounded-off ledge, over which they went some 50 feet more; and peach-trees were in blossom when we were there, at the very spot where the bodies generally stopped. It was a very harrowing spectacle to witness the actual rock from which our brethren and sisters had been thrown with so much cruelty to meet so fearful a death; but the evidence was clear that they had died with unfailing faith and triumphant hope. The brother of one of the sufferers was with us; a manly and devoted Christian he seemed to be. I saw him every day, I believe, while I was in Antananarivo, and sometimes twice a day, and oftener; and he brought his children to see me; and from all that I saw of him I was led to form the highest opinion of his straightforward, earnest, and Christian character: but when we afterwards came to the spot to which the bodies of those 18 were taken to be burnt, he wept like a child at the recollection of his brother's sufferings. One severe part of the fiery trial through which these Christians passed on to their rest with God, was their being placed where they could see the fall of their brethren, and their being asked whether they would not recant; all such attempts to move them proved ineffectual. They seemed so filled with the love of their Saviour, with joyful hope of Heaven, that they utterly despised all offers of protracted earthly life on such conditions. One very striking instance I heard of from an old officer of the palace, as well as from our companions on that day. A young woman, who was very beautiful and accomplished, and who was very much liked by the Queen, was placed where she could see her companions fall, and was asked, at the instance of the Queen, who wished to save her life, but could not exempt her from the common sentence against the Christians, whether she would not worship the gods and save her life. She refused with so much determination, and told them so earnestly that she would go with brethren and sisters to Heaven, that the officer standing by struck her on the head and said, "You are a fool; you are mad!" And they sent to the Queen and told her she had lost her reason, and should be sent to some place of safe-keeping. She was sent away strongly guarded into the country some 30 miles away, and afterwards was married to a Christian man; and died only two years ago, leaving two or three children behind her.

3. It may well be conceived that our feelings were deeply stirred by all this, and that we were prepared to look with no ordinary interest on the houses of the first missionaries on the sites of the first chapels, and on the European graveyard, all of which we passed on our way to this last of the four spots we had to visit. This was just at the opposite end of the town from the first, forming the northern or north-western bluff of hill, and visible from the palace. Here four nobles were burnt because they were Christians, that kind of death being inflicted because it is not counted right to shed the blood of a noble. One of them was a woman, and the child which was born while she was at the stake was pushed back

back into the flames by the ruthless persecutors. The bodies of those who had been hurled from the rock were brought hither to be burned; and it was here that the brother of one of the sufferers was so much overcome by his grief. The object of bringing those bodies so great a distance seems to have been to intimidate the residents in that quarter, where Christianity had especially flourished, amongst the artizans by whom it is chiefly inhabited.

4. Each of these four spots is likely to be had in lasting remembrance, for Mr. Ellis has secured them for sites for chapels, which he hopes soon to be able to erect. The congregations have so long been in a state of extreme depression as to worldly circumstances, and so many of their members have so recently been delivered from ardent persecution and imminent danger of death, that they are not able to do this themselves; and it is to be hoped, that there will be no difficulty on the part of friends and brethren at home in showing their practical sympathy with the survivors of such devoted servants of Christ, by giving gladly of their substance to help them. I was very much struck with the similarity of the accounts given by these Madagascar Christians, to the martyrologies of earlier days. The insulting taunts and the insidious questions, met with calm courage and unbending firmness, were points on which one might have expected an agreement; but the supernatural appearances, the beautiful rainbows, and other such well-known accompaniments of ancient stories, were repeated with an earnestness which was the more striking because I did not expect it. Then, that the genuine instinct of the Christian heart should so naturally lead to the selection of those places of suffering as sites for places of worship by those who desire so carefully to esteem all that looks like mere form or that approaching to superstition.* How naturally a commemoration sermon would follow! God grant that the national Church of Madagascar, which has yet to be formed, may approach in some other points to the early model; and that we may be able to hold sweet communion in public worship with those whom we ought so fully to esteem and love!

Encl. 4, in No. 9.

Enclosure 4, in No. 9.

Her Majesty's Ship "Gorgon,"
27 September 1862.

My dear Sir,

In compliance with your request that I should furnish a few particulars on the botanical features of the country we passed through, on our way to Antananarivo, I will reduce my journal and give as many salient points of the road as I can remember, begging you to have in mind that, in so hurried a journey, it is impossible to do justice to the materials supplied, and that our visit having been made in the winter season, a just appreciation of the country could not be formed. From specimens of timber subsequently obtained from a part of the island, remote from that of our road to the capital, I am able to aver that no opinion of the size or value of the woods can be formed from any seen on our journey.

One might prognose more from the character of the soil than from the existing flora what the products might be. So long as our road lay southward, we passed over a sandy tract, the first part of which, between Tamatave and Hivondro, formed a plain, studded with copse, and sparsely covered with grass.

By the sea at Tamatave is a belt of trees at a distance, resembling mangroves; but on nearer inspection they are found to consist of small myrtles, *Cinchonias* and *Brexiads*, larger specimens of which are met further on the road. One of these trees, the *Inophyllum*, is used by the natives for making their smaller canoes, and for building purposes. There is nothing remarkable to be seen in our first day's journey, if we except the *Angræca orchide*, and a few flowering shrubs and trees that are seen in greater perfection farther on. A tree with a small greenish white flower, and round hard fruit is very common, so long as our road is by the sea. It is a species of *Strychnos* of the *Soganea* order, and is called *Voantaka* by the natives, who are very fond of its refreshing acid pulp. There is another tree scattered about with this *Sogania*, the *Zyzyphus Baelei*, of the buckthorne order. It is the *Masaon* of the east coast of Africa, and *Mason* of Mauritius. As I have mentioned edible fruits here, I may add there is a *Chesia* bush, with plum-like fruit, on the same plain. An *Anona*, called *Anatundirik* by the natives, and many Leechees and Mangoes, but the latter have probably been imported; and from the way in which devotees resort to the shade for prayer and offerings to the gods, one may infer that they are held in some veneration.

In the first small wood we passed through, there were many orders represented, but we saw better specimens of the same farther on; amongst these the *Ficus Elastica* was conspicuous, and the first copal gum-tree seen; also some *Ardinads* with their strikingly beautiful foliage. As bushes, rather than trees, were some *Lauras*, *Brexiads* and *Eucalypte*. The ferns common by the sea route have been noticed by former visitors, varieties of *Polypadz*, a *Steris*, the *Langue de Bœuf*, an *Asp-lenum*, and a *Bleehnum*, are very common, with several others.

Forming a barrier to the beach, and scattered about, are several species of *Sandanus*. It is said that the natives plant them by the coast to protect villages and plantations from sand-drift.

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* *Mem.*—This is a correct copy of the original furnished by the Bishop. His amanuensis has evidently made a mistake.

drift. From the denseness of some of these barriers, there can be no doubt that they must act in this way, whether planted for the purpose or not, and they must be far more efficient than the Hottentot fig of the Cape, which I believe is held in esteem as a natural break-drift. Leaving Hivondro, you will remember we passed by an extensive plain, covered with timber, in all stages of decay. Numbers of the dead trunks standing were topped or knobbed on the trunk or limbs with *pommes de fourmis*, of a red ant.

Some parts of this plain seemed capable of fertility, having a sandy soil with a thin superstratum of loam; but nowhere did the large trees thrive. May not the presence of these formidable ants account for this? Approaching the sea again, we found the *Pandanus*, *Casuarina*, and *Copal;* and the *Apocynaceous* order hitherto represented only by shrubs or herbs, such as the *Vinea roscæ* of the plains near Tamatave and Anerium, gives now the *Tanghinia venenifera*, the *Voan sangan*, or ordeal poison of the Malagash, and a tree from which the natives procure indiarubber, called by them *Vaughinia*. We find now several species of aloes; one like the *Aguave*, *Azamia*, and the *Cycas Cercinalis*. By the lakes of the same part are seen two species of *Hibiscus*, and another of the *Malvaceous* order, with native name, "Lafa," from the bark of all three of which the natives obtain a strong fibre, from which they make twine and cord. Twining about these and other trees were several *Convolvali*, one of which, a *Hypomæa*, is conspicuous; and near the same places a handsome little flowering *Petrea*. The *Arams* growing by the lakes are, as they have been represented, gigantic, and the *Nymphæas* growing in the lake may be worth notice, as one of them, a lotos, furnishes its bulb as food for natives, in times of dearth of more common food. In the marshy parts, by the lakes, we saw the large white *Crinum* lily, and near them another, a *Gloriosa*. Along by the sea, and inland, to a probable height of 3,000 feet, we have citrons. Of flowering plants, the *Angræca* and *Daphes* are abundant; also two smaller *Angræca* and a *Vanda orchid*.

Turning westward from the sea, vegetation changes; we meet the *Ravanelle*, and it accompanies us for the next three days' journey, viz., to Beforona, where it is lost, at a (probable) height of 1,400 feet. It has been held incredible that the travellers' tree should have reached a height of 30 feet; there are several to be seen on our way that must far exceed this. In the ravines, where the traveller was first seen, was the bamboo common to the country, but it is not until we reach thickest woods that we find the creeping varieties. On the banks of the lake, between the sea and the first village of the ascent, were ferns in abundance—*Hymenophyllum platycerium* and the stag's horn moss, and overhanging them the *Jamrosin* tree and several *Erythunæ*, with their bunches of scarlet flowers. Sugar cane and cotton grew on the lands about, and though both were of an inferior description, they were in a flourishing condition. The cotton is confined to one sort, and does not seem to be much cultivated, and I saw only small quantities of it in the market at Antananarivo. At Marombi, the village from which the ascent commences, the ground is loamy—almost alluvial—and well adapted for rice-growing, and the natives have made large tracts available for this purpose. Here we saw the *Astrapœa*, several *Acaciæ* and *Erythunæ* growing, and round about the villages patches of wild raspberry and *Heliconia*. The raspberry leaf and fruit are used as a medicine for cough in young children, and a solanaceous herb with blue flower, called "bred," grows here abundantly, and is eaten as a vegetable, and given with other herbs as a medicine.

Before leaving the coast, I should have mentioned the peculiarity we noticed in the sand by the brackish lakes. It is very heavy, black, and full of shining particles resembling pulverised plumbago. Rubbed in the hands, it leaves a black stain, which is not easily washed off. By the coast grew a heath, from four to eight feet high; it was met again on the red clay hills, 50 miles south of the capital. One of the largest trees we leave with the sea was a *Barringtonia*. The *Barringtonia speciosa* and this, another species, were also to be seen near Tamatave. By the village of Marombi were some trees of the *Cinchona* order, and shrubs of the *Vangueria Edulis*, or wild coffee of the country. For the three days occupied in passing from this to the entrance of the woods, we passed over fine grass hills; the ravines between which were filled with travellers tree, *Rofia* and *Musads*. The road sometimes lay between rows of composite trees and *Mimosæ*, and the higher we attained the more abundant did these become. By the rivers were some fine copal and betelnut trees. The largest copal seen was one by the Hivondro, which measured 28 feet in circumference.

From the soil of the ascent, being at first of yellow clay, it had afterwards superimposed a layer of pebbles and detritus of quartz, and the river beds from being at first of sand, later consisted of this and quartz and sandstone. I endeavoured to get some of the Ranomafana water, by making a valve at the end of a bamboo, such as the natives use for carrying water, and placing the mouth directly over one of the spots from which the hot jet was issuing. It is almost impossible to get the real temperature, unless a spring were isolated, as there must be more or less admixture with the cold water, before the full effect is felt by the thermometer. The warm water obtained had a slight alkaline reaction, was insipid and free of smell. A dollar previously brightened was put into the water, and observed after two days, when the surface was found of a brownish-black colour.

Entering the woods we lose the travellers tree, and find the tree ferns. I noticed four varieties. They are most abundant between Beforona and Anevoca; that is to say, in the lowest and moistest part of the woods. Studding the hills, and projecting in the ravines were boulders of sandstone, the exposed surface quite blackened; but there was scarce any stone to be seen whilst passing through the first woods, the soil being wholly of clay, yellow and white stratified, and in some parts almost of the density of shale.

Pendent from most of the old trees, and fringing the trunks of both young and old, were many lichens, mosses, and *Lycopodiums;* the most abundant lichen being that of a yellowish green colour, much resembling *Rocella fuciforme.* The trees were of no magnitude. Two species of *Lelia,* or limes, grew to height of 60 feet, and circumference of 6 (native name *Hinzin*), and a tree with red wood, the sap of which stained the earth about the roots of the same colour. The *Varoan* and the *Lalenti,* a species of gamboge, were amongst the finest trees seen as to size. The ebony is scarce and very small, much finer is brought to Tamatave from woods of the north-west and other parts. Sassafras wood is got from here, and sarsaparilla and calumba were seen in several parts of the woods, and are abundant elsewhere. There were two trees with abundant yellow resin, named "Harunga" and "Kise." I had no means of ascertaining their respective orders. In the moist parts of the woods were several plants with variegated leaves of beautiful colours. Of these a *Colcus,* a *Begonia, Sonerila,* and *Medinilla,* were conspicuous. A shrub, *Pleronia,* with bright scarlet flower and brilliant pink leaves was a common ornament of the roadside, before and for sometime after leaving the woods. On one of the highest hills in the centre of the woods, stood two palms, *Borassus*; these were the only ones of the kind seen. One was probably between 70 and 80 feet high. A détour from the village of Analamagotra brings one to some level peaty ground, surrounded by the woods. Here I picked up what appeared to be some surface coal, of a bituminous nature. A piece held in a flame, burnt away with a brilliant light, leaving no residue. It is about here that we meet for the first time the *Osmunla Regalis* fern, but we have it for the rest of the road. On the hill sides, after leaving the woods, we meet the *Buddleea Madagascariensis,* "Seore" of natives; it forms the greatest ornament of the road to within 40 miles of the capital; with it, on the hillsides, and by our road, grew the composite tree before mentioned, and two species of arbutus.

The geological features of this part of the road have been pointed out by the former mission.

Thus far along the road we have had the houses made either entirely from the *Rofia* palm, and wooden planking or poles for supports, varied to split bamboo for sides, and grass for roofing. We meet now with *papyrus* in the marshes, and soon find this taking the place of the *Rofia,* and grass for roofing, and we have this kind of roofing till arriving at the capital, where it is also extensively used, but where also we have real tiles made of wood or clay, taking the place of it, for all the better houses.

The ravines, after leaving the woods, were less fertile than before, and in place of the loam soil which made them prolific hitherto, there is now only a soil of yellow and red clays. The gneiss and black basaltic rocks are no longer seen studding the hills; in fact, the soil appears to be of pure clays, and the stratification of them is exposed in the landslips twice seen by the way.

That at the Mangoro river exposes first a thin layer of sedimentary sandstone, beneath which is one of yellow clay; below this a red clay, mixed with a lamentious detritus; and below and penetrating the last, a mass of honeycombed, lava-like matter.

It is not before reaching the bare hills, about 20 miles south of the capital, that we see the massive slabs and boulders of granite, spoken of by former visitors, and it may be that the barrenness of the country round about renders them the more conspicuous.

It is only at the lowest part of valleys and the bases of hills that the soil can be made productive, and it is evident from the devices had recourse to, to irrigate these green spots, how valuable they are for producing a small supply of rice to the teeming population round about. With the exception of a few heaths and ferns-citrons, the *Buddlæa* and other hardy plants, there is but little vegetation after leaving M'batomanga, but that judicious care and irrigation will permit of the soil being productive, was proved in our visits to the country round about Antananarivo, where we found bananas, fig-trees, a few *Rofias, Sandanas,* and prune and ornamental trees growing luxuriantly.

Visiting the country at so healthy a season, very little can be said of the diseases common to it. The little fever we saw had an intermittent character, but readily gave way to treatment. Hearsay evidence of its worst forms however would lead one to conclude that it rapidly destroys life, especially when it takes the irregular form of an alternation of hot and cold stages, with speedy supervention of coma. Now, that there are European medical men in the country, some reliable information may be looked for, after the next unhealthy season.

There is certainly not so much syphilis as we were led to suppose, though the ravages have been frightful in isolated cases. Again, we must remember that the natives know of no specific treatment, and the disease is sent down from generation to generation.

Though many natives are marked with the scars of smallpox, I was led to understand that this disease is seldom deadly, insomuch, that though acquainted with the advantage of vaccination, they seldom have had recourse to it.

The skin diseases seem to be those common to the tropics, *Impetigo Lepra, Elephantiasis* (only one case seen), secondary eruptions, &c., &c.

I append the names of woods obtained as specimens for the Admiralty; and of those in use with the natives for house and canoe-building, with a few other particulars;

And am, &c.

To Major General Johnstone. (signed) *Charles Mellor.*

RETURN JOURNEY.

DEPARTURE.	Date.	Time.	ARRIVAL.	Date.	Time.	Distance in Miles.
	1862:	A.M.		1862:	P. M.	
Antananarivo	18 Aug.	11	M'batomanga	18 Aug.	4	18
M'batomanga	19 „	7	Mandranahody	19 „	3	20
Mandranahody	20 „	6.50	Moramanga	20 „	4	25
Moramanga	21 „	7	Analamazotra	21 „	3	18
Analamazotra	22 „	7	Beforona	22 „	3.30	18
Beforona	23 „	7·20	M'passimbé	„ 23	3	20
M'passimbé	25 „	7	Monambohitra	25 „	5	20
Monambohitra	26 „	7	Andravakamenerana	26 „	3	20
Andravakamenerana	27 „	7	M'panirano	27 „	4	20
M'panirano	28 „	7	Tamatave	28 „	5	25
				TOTAL		204

Thermometer.

Maximum, at noon, 85°; minimum, between four and six o'clock, A.M., 49° (but Mr. Caldwell's party observed as low as 45°); mean of noon, 75°.

Names of Woods procured.

Voantsilany.—This is very abundant, growing to height of 40 or 50 feet, with circumference of 4 to 6 feet. It is a good durable wood.

Langotra.—Grows to a very large size, and to 60 and 80 feet, and 4 to 5 feet diameter. It is used in making pirogues.

Hazombato.—Grows, to the northward of Tamatave, to 50 feet high and 2 feet diameter. It is also used for making canoes.

Nanto. (First kind.)—Grows from 40 to 70 feet high, and to 2 or 3 feet diameter.

Hazotsihariana.—Is plentiful, large, and used for buildings.

Nanto. (Second species.)—Of same order and kind as first species.

Orondry.—Good for making planks; grows from 40 to 50 feet high.

Maranghoditra.—Used for buildings; grows to 80 feet and 4 feet diameter.

Hazoamba.—50 to 60 feet high; very soon rots if not protected from moisture.

Nanto.—Third Species.

Baraka.—Very hard, and capable of fine polish. Is used for making furniture and cabinet work.

Vintangho.—For pirogues; 80 to 100 feet (dark). Is plentiful.

Nanto.—Fourth species.

Hazomainty.—Ebony. Not much on east coast; more and better on west.

Hintzy.—Elastic; very strong wood; good for oars and planking; grows 60 to 70 feet 2 to 4 feet diameter. It is plentiful in the Analamazobra woods, but not so large; the stem grows to 30 and 40 feet before branching.

Durable Woods, used for making Canoes.

Lungut.—Brown; takes a good polish, and is very durable.

Mara.—Very durable; black wood.

Inci.—Yellow. Abundant.

Hazocerea.—Red wood. Plentiful.

Tandraho.—Very abundant, but not so durable as the rest.

I collected a few specimens, and many names of native fruits, and have sent them to Sir William Hooker, at Kew.

Without specimens of the fruits, the names are almost useless, except for any one intending to make a visit to collect these things; so I omit them.

I obtained also several native medicines, and the names of trees held in repute for medicinal virtues. Several of them are for blistering. One, a ranunculus, is a very efficient blister. The small leaves of the herb are pounded in a mortar, and the expressed juice is bound on the part to be blistered.

Another, the *Menerana*, is the oil expressed from a fruit (a euphorbia, I believe). It consolidates to the consistence of butter. It is the universal ointment of the country, and really seems to have good properties, stimulant for ulcers, bites of insects, and for the greater number of skin eruptions.

The *Voingoamba* is a herb (of the nettle tribe), the leaves of which have a volatile principle. They medicate a vapour bath with these, and have recourse to the bath in the cold stage of the fever, in syphilis, &c.

There are several emetics in use, the most common of which is their native salt (that got from the ashes of *sirahaz* plant. When this is not effective, they mix it with bruised leaves of the mango, and drink the infusion; and if this is not sufficient, they drink an infusion of a powerfully emetic herb, the *Zazea-zea*.

Sarsaparilla is abundant in the woods, and in common use as a soothing medicine in gastric disorders, dysentery, &c.

I took the names of many more, specimens of which I could not procure in the short time left after the "Gorgon" arrived.

(signed) *C. Mellor.*

— No. 10. —

(No. 867.)

No. 10. The Duke of Newcastle, K.G., to Sir W. Stevenson, K.C.B.

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to Governor Sir *W. Stevenson*, K.C.B.

Sir, Downing-street, 14 January 1863.

I HAVE received your Despatch, No. 248,* of the 4th November last, with its Enclosures, and have read with much interest the Reports of Major General Johnstone, the Bishop of Mauritius, and Dr. Mellor, on the occasion of their visit to the King of Madagascar.

* Page 26.

You will have the goodness to express to Major General Johnstone, to Captain Anson, and to the other members of the mission, my acknowledgments for the services they have rendered.

With respect to the map of a part of Madagascar drawn by Lieutenant Oliver, which accompanied your Despatch, I should wish to know whether he has taken any steps for turning it to account in the interests of geography? If not, it might be suggested to him to do so, in communication with any of the scientific map-makers of London, or with the Geographical Society.

I have, &c.
(signed) *Newcastle.*

—No. 11. —

(No. 63.)

COPY of a DESPATCH from Major General *Johnstone* to His Grace the Duke of *Newcastle*, K.G.

Mauritius, 6 April 1863.

My Lord Duke, Received 11 May 1863.

WITH reference to the last paragraph of your Grace's Despatch, No. 867, of the 14th January, I have the honour to forward the accompanying copy of a letter from Lieutenant Oliver, stating that he has taken steps to insure his map of a part of Madagascar being laid before the Royal Geographical Society, and the officers of the Topographical Department.

Enclosure. Lieut. Oliver to the Assist. Colonial Secretary, 28 February 1863.

I have, &c.
(signed) *M. C. Johnstone*, Major General.

Enclosure in No. 11.

Lieutenant *Oliver* to the Assistant Colonial Secretary.

Sir, Artillery Place, 28 February 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 28th instant, and beg that you will inform his Honor, the officer administering the Government, that I have taken steps to insure the map mentioned being laid before the Royal Geographical Society, as well as the officers of the Topographical Department at home. Trusting these steps will be considered sufficient by his Honor,

I have, &c.

The Assistant Colonial Secretary, (signed) *C. P. Oliver*,
&c. &c. Lieutenant R. A.

MADAGASCAR.

COPIES or EXTRACTS of PAPERS relating to the CONGRATULATORY MISSION to King *Radama* of *Madagascar*, on his Accession to the Throne in 1861; and, of CORRESPONDENCE and PAPERS relating to the MISSION to *Madagascar* in 1862, for the purpose of presenting the PORTRAITS and PRESENTS sent by Her Most Gracious MAJESTY to King *Radama*.

(*Mr. Lefroy.*)

Ordered, by The House of Commons, *to be Printed*,
28 *July* 1863.

545.

Under 8 *oz.*